

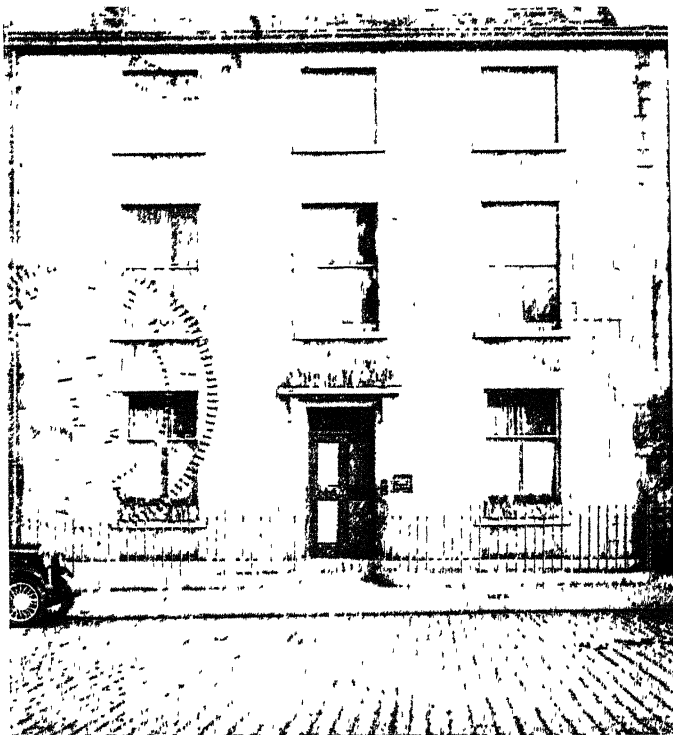
# Notable British Trials

Buck Ruxton

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Mary Queen of Scots	(1586)	A. Francis Steuart
Guy Fawkes	(1605-6)	Donald Carswell
King Charles I	(1649)	J. G. Muddiman
The Bloody Assizes	(1678)	J. G. Muddiman
Captain Kidd	(1701)	Graham Brooks
Jack Sheppard	(1724)	S. M. Ellis
Captain Porteous	(1736)	William Roughead
The Annesley Case	(1743)	Andrew Lang
Lord Lovat	(1747)	David N Mackay
Mary Blandy	(1752)	William Roughead
James Stewart	(1752)	David N Mackay
Eugene Aram	(1759)	Eric R. Watson
Katharine Nairn	(1765)	William Roughead
The Douglas Cause	(1761-1769)	A. Francis Steuart
Duchess of Kingston	(1776)	Lewis Melville
Deacon Brodie	(1788)	William Roughead
"Bounty" Mutineers	(1792)	Owen Rutter
Abraham Thornton	(1817)	Sir John Hall, Bt.
Henry Fauntleroy	(1824)	Horace Bleackley
Thurtell and Hunt	(1824)	Eric R. Watson
Burke and Hare	(1828)	William Roughead
J. B. Rush	(1849)	W. Teignmouth Shore
William Palmer	(1856)	Eric R. Watson
Madeleine Smith	(1858)	F Tennyson Jesse
Dr. Smethurst	(1859)	L. A. Parry
Mrs. M'Lachlan	(1862)	William Roughead
Franz Muller	(1864)	H. B. Irving
Dr. Pritchard	(1865)	William Roughead
The Wainwrights	(1875)	H. B. Irving
The Stauntons	(1877)	J. B. Atlay
E. M. Chantrelle	(1878)	A. Duncan Smith
Kate Webster	(1879)	Elliott O'Donnell
City of Glasgow Bank	(1879)	William Wallace
Charles Peace	(1879)	W. Teignmouth Shore
Dr. Lamson	(1882)	H. L. Adam
Adelaide Bartlett	(1886)	Sir John Hall, Bt.
Mrs. Maybrick	(1889)	H. B. Irving
J. W. Laurie	(1889)	William Roughead
The Baccarat Case	(1891)	W. Teignmouth Shore
T. N. Cream	(1892)	W. Teignmouth Shore
A. J. Monson	(1893)	J. W. More
W. Gardiner (Peasehall)	(1903)	William Henderson
G. Chapman	(1903)	H. L. Adam
S. H. Dougal	(1903)	F. Tennyson Jesse
Adolf Beck	(1904)	Eric R. Watson
Robert Wood	(1907)	Basil Hogarth
Oscar Slater	(1909-1928)	William Roughead
H. H. Crippen	(1910)	Filson Young
J. A. Dickman	(1910)	S. O. Rowan-Hamilton
Steinie Morrison	(1911)	H. Fletcher Moulton
The Seddons	(1912)	Filson Young
George Joseph Smith	(1915)	Eric R. Watson
Sir Roger Casement	(1916)	George H. Knott
Harold Greenwood	(1920)	Winifred Duke
Bywaters and Thompson	(1922)	Filson Young
Ronald True	(1922)	Donald Carswell
H. R. Armstrong	(1922)	Filson Young
J. P. Vaquier	(1924)	R. H. Blundell and R. E. Seaton.
J. D. Merrett	(1927)	William Roughead
Browne and Kennedy	(1928)	W. Teignmouth Shore
Dr. Knowles	(1928)	Albert Lieck
Sidney H. Fox	(1929)	F. Tennyson Jesse
A. A. Brown	(1931)	William Roughead







No. 2 Dalton Square, Lancaster

# TRIAL OF BUCK RUXTON

EDITED BY

R. H. Blundell

Barrister-at-Law

AND

G. Haswell Wilson, M.D.

Professor of Pathology at the University of Birmingham

ILLUSTRATED

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*May. 1937*

## P R E F A C E.

IN the compilation of this long and intricate Trial the Editors have received much valuable assistance from those closely connected with the investigations. To all who have rendered such assistance they wish to express their thanks: to the Director of Public Prosecutions for the use of material for the text of the Trial and illustrations, and in particular to Mr. G. R. Paling for his valuable advice: to Captain Vann, Chief Constable of Lancaster, and to the Chief Constable of Dumfriesshire for their information on the police activities: to the Chief Constable of the City of Glasgow Police for checking the fingerprint evidence and for additional information on this subject: to Professor John Glaister, Professor J. C. Brash, Professor Sydney Smith, Dr. A. C. W. Hutchinson, and Dr. W. Gilbert Millar for reading through their evidence, supplying the medical reports, and valuable suggestions in the compiling of the medical aspects of the Trial: to Mr. Justice Singleton and the Counsel engaged in the Trial for revising the summing up and speeches, and in particular to Mr. Norman Birkett, K.C., for permission to reproduce one of Dr. Ruxton's pencilled notes.

R. H. BLUNDELL,  
G. HASWELL WILSON,  
*Editors.*



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# BUCK RUXTON

## INTRODUCTION.

THE story of the remarkable case of *Rex v. Buck Ruxton* begins with the discovery of human remains in a ravine near Moffat. Gardenholme Linn, a stream running into the river Annan, is crossed by a bridge on the Edinburgh-Carlisle road about two miles north of Moffat, and on 29th September, 1935, Miss Susan Haines Johnson, a visitor from Edinburgh, when crossing this bridge, observed what she thought was a human arm protruding from some wrapping in the gully below. On returning to her hotel at Moffat she informed her brother, Mr. Alfred Charles Johnson, of what she had seen. He went to the ravine and discovered various parts of a human body wrapped in newspapers and a sheet. The police were immediately notified and later in the afternoon the ravine was searched by Sergeant Sloan of the Dumfriesshire Constabulary. He discovered four bundles containing human remains; two heads, one of which was wrapped in a child's woollen rompers with some cotton wool and a piece of the *Daily Herald* dated 6th August, 1935; one thigh bone; two forearms with hands from which the tips of the fingers and thumbs were missing, and several pieces of flesh and skin. The first bundle was wrapped in a blouse and contained two upper arms and four pieces of flesh. The second, in a pillowslip, contained two upper arm bones, two thigh-bones, two lower leg bones, and nine pieces of flesh. The third was wrapped in a portion of a cotton sheet, and contained seventeen pieces of flesh. The fourth was also wrapped in a portion of a cotton sheet tied up with what appeared to be the hem torn from the sheet. In this were the chest portion of a human trunk to which some straw was adhering, the lower portions of two legs, of which the feet were protruding, and some cotton wool. This bundle

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was of special significance because the trunk was found to be that of Mrs. Ruxton whilst the feet were those of Mary Rogerson, the maid who disappeared at the same time as Mrs. Ruxton, *i.e.*, portions from two bodies were found in the same bundle. Portions of newspapers were found in the bundles—*Sunday Graphic* of 15th September, 1935, *Daily Herald*, and *Sunday Chronicle*. The *Sunday Graphic* was identified as one of a special “ slip ” edition containing pictures of the Morecambe carnival, which was sold only in Morecambe and Lancaster and the surrounding districts, and of which a copy was proved to have been delivered at Dr. Ruxton’s house on the morning of 15th September. Further search within the next few days in the Linn and along the river Annan led to the discovery of a left forearm and hand wrapped in part of a *Daily Herald* of 7th August, a left thigh, a bundle in a cotton sheet containing a pelvis and pieces of flesh, and numerous scattered pieces of flesh. At a later date, on 28th October, a left foot, wrapped in part of a *Daily Herald* of 31st August, was discovered at Johnson Bridge—about nine miles south of Moffat on the main Edinburgh-Carlisle road. Finally, on 4th November, a right forearm and hand, wrapped in a piece of a *Daily Herald* of 2nd September, were found on the Edinburgh road south of the bridge over the Linn, on the left-hand side going north.

The total human remains discovered thus comprised two heads, each with a portion of neck attached; two trunk portions—an upper part including chest and shoulder girdle [collar-bones and shoulder-blades], and a lower portion including a complete bony pelvis; seventeen limb portions, and forty-three pieces of soft tissues. The soft tissues included three female breasts, two portions of female external sex organs; and a uterus [womb]. Further, amongst the soft parts there was found a cyclops eye, to which reference will be made later in a separate section of this introduction. All the remains were more or less decomposed and were heavily infested by maggots, Such was the unpromising nature of the material submitted for examination by the medical experts and from which.

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patience and masterly skill, such an imposing volume of evidence was ultimately produced.

The remains were examined by Professor John Glaister, Regius Professor of Forensic Medicine at the University of Glasgow; Dr. Gilbert Millar, Lecturer in Pathology at the University of Edinburgh; Professor Sydney Smith, Regius Professor of Forensic Medicine at the University of Edinburgh; Dr. Arthur Hutchinson, Dean of the Edinburgh Dental Hospital and School; and Professor J. C. Brash, Professor of Anatomy at the University of Edinburgh. A preliminary examination was made at Moffat by Professor Glaister and Dr. Millar, after which the remains were removed to the anatomy department at Edinburgh University for more detailed investigation. The evidence of the medical experts will be considered in due course, but, in reference to certain evidence given by lay witnesses, it may be well to mention at this stage, that although it was conclusively proved that parts of two bodies were present and that they were both female, it was at first believed that one of the bodies was that of a man, and a statement to this effect was published in the press.

While the examination of the remains by the medical experts was in progress, the police were investigating their side of the problem. It seemed clear that this was a case in which at least one person had been murdered, but at first there appeared to be nothing to indicate where the crime had been committed and, accordingly, inquiries were made over a wide area for persons missing before 19th September, with negative result. It was unlikely that the bodies had been deposited in the Linn after this date, because portions of the remains were found along the Linn and the river Annan considerably above the level of the water. There had been heavy rain storms on the 18th and 19th September, so that the river and streams were in spate. Portions of the remains would therefore be washed away and would be left on the bank when the flood abated during the fine weather of the next few days. As it was probable that the remains had been taken to the ravine by motor car, an attempt was made to trace any unusual movements by

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the owners of cars registered in Dumfriesshire. This investigation was also unproductive, and no car had been noticed to stop near the ravine. The police, of course, had carefully examined the various wrappings in which parts of the remains had been found and it was from these that the first information of real value was obtained. The recognition of the *Sunday Graphic* dated 15th September, 1935, as one of a limited "slip" edition, issued in the Lancaster district only, was of crucial importance in that it led to further investigations in this area. By a curious coincidence, on the same day, 9th October, that the Chief Constable of Dumfries first communicated with the Lancaster Borough Police, his attention was directed to an article in the *Glasgow Daily Record* in which an account was given of the disappearance, three weeks previously, of a young Lancaster woman, named Mary Jane Rogerson, who was nursemaid in the house of a Parsee doctor called Buck Ruxton. On further inquiry he was informed that the disappearance of this girl had been notified to the police, and it was also mentioned that it was believed that the doctor's wife had left him at about the same time, some two or three weeks before. It was then arranged that the police should get a detailed description of Mary Rogerson from her stepmother, Mrs. Rogerson, who had given the information to the *Daily Record*, and that photographs of the blouse and child's rompers found with the remains should be published in newspapers circulating in the north of England. In the meantime the search for someone who could identify these garments was continued. It was Mrs. Rogerson who identified the blouse, by a patch under one arm, a patch which she herself had sewn there before giving the blouse to her stepdaughter, as one belonging to Mary Rogerson. And it was through her mentioning that she knew that a Mrs. Holme had given various articles of clothing, including some garments for the Ruxton children, to her stepdaughter that the woollen rompers were also identified. Mrs. Holme lived at Seattle, Grange-over-Sands. She let rooms to visitors, and the Ruxton family had stayed with her for some time in June



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1935. When she saw the rompers she recognized them at once, specially by a peculiar knot she had tied in the elastic, as a pair she had given to Mary Rogerson for the children.

At this stage the investigation was taken over by the Lancaster Borough Police, under the direction of Captain Vann, the Chief Constable of Lancaster. As a result of the information given by the Chief Constable of Dumfriesshire, the attention of the Lancaster Police Force now became focused on the actions of Dr. Buck Ruxton, who had asked them for help more than once during the last fortnight. According to his statement to the police, he was very anxious to find his wife, who had left him, and he was intensely annoyed at what he believed to be suggestions in the press that there might be some connexion between the finding of the bodies at Moffat and the disappearance of his wife and maid. "This publicity," he said to Captain Vann on one occasion, "is ruining my practice; particularly at a time when I am negotiating for a loan on my practice." He then became wildly excited; he appeared to be much distressed and tears ran down his face. "Cannot you publish it in the papers that there is no connexion between the two"—meaning the bodies found at Moffat and the two missing women—"and stop all this trouble?" Captain Vann assured the doctor that when he had satisfied himself that there was no connexion, he would do so. A statement was issued to the press, with which the doctor appeared to be completely satisfied.

Dr. Ruxton was a native of Bombay. His name was originally Bukhtyar Rustomji Ratanji Hakim, or Buck Hakim, which he later changed by deed poll to Buck Ruxton. He was a Bachelor of Medicine of the Universities of Bombay and London, and a Bachelor of Surgery of the University of Bombay, but he had failed in the examination for the Fellowship of the Royal College of Surgeons of Edinburgh. He had served in the Indian Medical Service at Basra and Baghdad and had had further experience in London. He settled at 2 Dalton Square, Lancaster, in 1930, and there acquired a substantial practice. At the time of Mrs. Ruxton's disappearance

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he was thirty-six years old. Mrs. Ruxton was originally Miss Isabella Kerr. She worked in a restaurant in Edinburgh and in 1919 married a Dutchman called Van Ess. In 1927, Mrs. Van Ess, as she then was, met Dr. Ruxton, then known as Captain Hakim. At the beginning of 1928 she gave up her work and went to live with him in London. Her marriage with Van Ess was dissolved, but, although she lived with Dr. Ruxton from 1928 until the time of her death, she was never married to him. The entries in Dr. Ruxton's diary which cover this period of "marriage" reveal an extraordinary story of passionate devotion and bitter quarrels. In his own evidence Ruxton stated "We were the kind of people who could not live with each other and could not live without each other—who loves most chastises most." He related at great length how his relations with Mrs. Ruxton after their quarrels were more than intimate and that many a time she came jokingly into his surgery with a smile on her lips and said, "I wonder how I could pick up a row with you." Whatever faults there may have been on Mrs. Ruxton's side, there can be no doubt that Ruxton was of a morbidly jealous and suspicious disposition. This manifested itself by furious emotional outbursts, by wild threats made in the presence of witnesses and withdrawn almost as soon as they were uttered, by abuse and by actual violence towards his wife. Maids previously employed in the house gave evidence of his threatening attitude, of a revolver in his bedroom, and of knives held at his wife's throat. The police were twice called to the house because of his behaviour, and he is described as acting like a madman on several occasions, becoming so excited as to be completely incoherent, looking like a person about to have a fit, and then bursting into tears. Such explosions were of frequent occurrence in this unhappy household and, although these quarrels usually appeared to be made up within a short time, there were occasions when even Mrs. Ruxton's tolerance was overstressed. In 1932, Mrs. Nelson, her sister, went to Lancaster in response to an urgent telegram, and Ruxton, in great excitement, stated that his wife had tried to commit

## Introduction.

suicide by gassing herself, that she had tried to do it before, and that she was trying to ruin him. At various times she had threatened to leave him, and Mrs. Nelson told how, in 1934, Mrs. Ruxton had come to her at Edinburgh with all her baggage, how the doctor had followed her, and, after much entreaty, had persuaded her to return with him to Lancaster. His jealousy was that of an unbalanced person and there can be little doubt that it was an overwhelming factor in the circumstances which led to his crime. One last episode which occurred on 7th September, 1935, a week before his wife's disappearance, showed how, for the most innocent of reasons, his outlook could become completely distorted. Mrs. Ruxton went to Edinburgh with some friends, the Edmondsons. The Edmondson family consisted of Mr. and Mrs. Edmondson, Miss Edmondson, and Mr. Robert James Edmondson, a young man employed in the Town Clerk's Department of the Lancaster Corporation. The party arranged to go to Edinburgh in two cars, and Mrs. Ruxton intended to stay overnight with her sister, Mrs. Nelson. Instead of this, the whole party stayed at the Adelphi Hotel and, even though young Mr. Edmondson's parents and sister were staying in the same hotel and they all occupied separate rooms, Ruxton, who in his jealousy had hired a car and followed them, seemed in some way to satisfy himself that it was an illicit visit arranged between the younger Edmondson and his wife. Dr. Ruxton made all sorts of unfounded allegations against this young man at various times, but it is perfectly obvious that there was no truth whatsoever in any of them, and they were never brought forward at the trial. On Saturday, 14th September, 1935, a week after the trip to Edinburgh, Mrs. Ruxton went to Blackpool alone in her husband's car, to meet her sisters, Mrs. Nelson and Mrs. Madden, and see the illuminations with them. This was an annual event. Mrs. Ruxton left for Lancaster about 11.30 p.m., and this was the last time that anyone except the doctor was known to see her alive. She had arranged to go to Blackpool again the next day before her sisters left, but she never came. That she arrived at Lan-

## Buck Ruxton.

caster there can be no doubt, as the car was found there next morning. This Hillman Minx car became an evidential feature in the trial, and whether it was in its garage on the following night or not, and whether it was clean next morning or not, were interesting points in Dr. Ruxton's defence.

In addition to Dr. Ruxton and his wife, the household included their three children, aged six, four, and two, and the nursemaid, Mary Jane Rogerson, aged twenty. Mrs. Ruxton kept constantly in touch with her sisters, and was apparently a devoted mother who wrote frequently to her children when she was away from home. Mary Rogerson was a young girl of simple habits and a happy disposition, who spent all her free afternoons and every week-end when she was not at Dalton Square with her father and stepmother. She never went away without their knowledge and when she was on holiday she used to write them every day. Neither of these women has been seen alive since Saturday, 14th September, 1935. No one has heard of them and no one has heard from them. The reason for this continued silence will be found in the evidence given at the Manchester Assizes—evidence which proved conclusively that not only were they both dead but that one of them at least had been murdered. Readers of the trial which follows will probably have no doubt that both of these unfortunate women were murdered. But, as the Crown set out to prove one charge of murder only, it is not proposed to deal with the inference, which naturally arises from a study of the evidence, that Mary Rogerson met her death in an attempt to save her mistress from violence.

Mary Rogerson's main duty was the care of the Ruxton children, but she also helped in other ways about the house. Most of the rough work and some of the cooking was done by Mrs. Agnes Oxley, a charwoman, who came every day in the week, commencing work about 7.10 a.m. and finishing at varying times. Another charwoman, Mrs. Elizabeth Curwen, also came every day. She started about 8.30 a.m., except on Sundays, when she came at 10, and stayed till the evening, leaving between 7.45 and 11, according to the work which had to

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be done. During the second week of August, 1935, a third charwoman, Mrs. Mabel Smith, was engaged. She went to the house on four days in the week—Monday, Tuesday, Wednesday, and Thursday—from 2 till 7 p.m.

When Mrs. Curwen was at work on Friday, 13th September, 1935, she was told by Dr. Ruxton that, as there was nothing for her to do, she need not come back till the following Monday. This remark was the only thing which might have been interpreted at the trial as evidence of preparation by Ruxton for the crime which was going to be committed. It is therefore obvious that of the people other than Mary Rogerson who were accustomed to work in the house, the only one who was expected on Sunday, 15th September, was Mrs. Agnes Oxley, who would ordinarily arrive about 7.10 a.m. She was prepared to go to her work as usual on that day, but did not do so because, at 6.30 in the morning, her husband received an unexpected visit from Dr. Ruxton, who said to him: "Tell Mrs. Oxley not to trouble to come down this morning. Mrs. Ruxton and Mary have gone away on a holiday to Edinburgh and I am taking the children to Morecambe, but come as usual to-morrow." This was said to Mr. Oxley, but was overheard by Mrs. Oxley, who was standing on the staircase. As Mrs. Oxley had never missed a day's work at the Ruxtons', it is not surprising that she and her husband remembered this unusual visit (in the course of his evidence at the trial Ruxton denied the truth of this and of many other statements made by the witnesses for the prosecution). The next person to see the doctor on that Sunday morning was Miss Roberts, who delivered some newspapers (not the *Sunday Graphic*) at his house. She had altered her route that morning for the first time and was later than usual. On ringing the bell she received no reply and went away for about ten minutes. In the meantime she heard the Town Hall clock strike nine. She returned to the house and rang the bell three times. After a further short delay the door was opened not, as she had expected, by Mary Rogerson, Mrs. Oxley, or Mrs. Curwen, but by the doctor himself. He seemed agitated. He was wearing

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a pale cream shirt and was holding his right hand against his body. At first Miss Roberts thought that he was holding up his trousers, but she noticed that he was wearing braces. She could not see if his hand was bandaged. When she apologized for disturbing him, he said that his maid was away with his wife in Scotland (denied by Ruxton). At about 10 a.m. four pints of milk were delivered by Mrs. Hindson. The doctor opened the door and told her that his wife and maid were away with the children (denied by Ruxton). Mrs. Hindson was not surprised to see him as he had opened the door to her once or twice before, when he happened to be in his surgery. On these occasions she had taken the milk straight through the passage into the scullery, but this time he told her to put it on the table just inside the front door. He said that he had " jammed " his hand. It might be thought that he would have been glad of Mrs. Hindson's help in carrying the milk to the scullery, but it may well be that he did not wish her to come into the house that morning. Shortly after Mrs. Hindson had gone, Thomas Partridge arrived. He was a labourer who earned a little extra money by delivering newspapers for a newsagent, Mr. Capstick. During the past year he had regularly left a copy of the *Sunday Graphic* at Dr. Ruxton's house. On this occasion he knocked several times but received no answer and therefore pushed the paper under the door. About 10.30 Ruxton went in his Hillman car to a garage close at hand where he was only occasionally a customer and bought two two-gallon tins of petrol, which he asked to be put in the back of the car and not in the petrol tank. Then, at about eleven o'clock, he called at the garage where he usually kept his car and was supplied with four gallons of petrol, which were put direct into the tank from the pump. When he got back to his house a fourth visitor arrived, this time Mrs. Whiteside, who had brought her small son for a minor operation which had been arranged for eleven o'clock. The doctor opened the door about a foot and said, " I am sorry, Mrs. Whiteside, but I cannot perform the operation to-day as my wife is away in Scotland and there is just

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myself and my little maid, and we are busy taking the carpets up ready for the decorators in the morning. Look at my hands, how dirty they are." Mrs. Whiteside did so, but could only see his left hand as the right was hidden by the door.

The first person to see Dr. Ruxton's children on that day, other than himself, was Mrs. Anderson, the wife of a Morecambe dentist. The doctor was held in high esteem by Mr. Anderson, and there was a close friendship between the two families. It was to the Andersons that Dr. Ruxton turned for help in the "absence" of his wife and maid, and his children more or less lived at their house for several days. It may be assumed that he was meantime occupied in removing the traces of the crime from his house, and in depositing portions of the dismembered bodies of the two murdered women in the ravine at Moffat, and elsewhere. On that Sunday morning he brought his children to the Andersons' house shortly before mid-day and asked Mrs. Anderson to look after them for the day, as his wife and Mary Rogerson had gone away from home for a few days. He told her that he had cut his hand that morning when opening a tin of fruit for the children's breakfast. He then left the Andersons' house and from that time till four in the afternoon he was alone at 2 Dalton Square.

Shortly before 4.30 he went to the house of one of his patients, Mrs. Hampshire, who later was one of the most important witnesses at the trial. Her statements of what occurred on that and the following days went far towards proving the Crown case. Ruxton told her that he was busy preparing the house for the decorators, who would be coming in on the following day in accordance with arrangements made some months before, and that he had cut his hand badly and required some help in the house, as his wife was at Blackpool and Mary Rogerson had gone away for a holiday. Mrs. Hampshire went home with him and on the way he told her that he had cut his fingers very badly while opening a tin of fruit. When they came to 2 Dalton Square there was no one in the house and the wireless was fully turned on. A meal apparently tea or supper, for two persons, was laid in the

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lounge. This had not been touched. There was also an uncooked roast of meat, still in wrapping paper, in the meat-safe in the kitchen. Ruxton, in his evidence, stated that he did not ask Mrs. Hampshire to do more than a little tidying and attend to callers, but she found that there was so much more to be done that she asked if she might bring her husband to help. The carpets had been removed from the stairs and landings up to the top floor and the stairs were very dirty. Straw was scattered about and some was protruding from beneath the doors of the two bedrooms occupied by Dr. Ruxton and his wife. These doors were locked. There were no other locked doors in the house. She could not get into these rooms as the keys were missing. Had she been able to do so it is probable that the Ruxton case would have terminated at this stage, as there can be little doubt that the bodies of Mrs. Ruxton and Mary Rogerson were lying in these rooms. Ruxton in the meantime had gone out, about 4.30, but before doing so he had shown her how to work the geyser in the bathroom and had asked her to clean the bath, which was everywhere stained a dirty yellow colour up to within about six inches from the top (denied by Ruxton). There was also what looked like a permanent stain where the geyser tap had dripped. Some rolled-up carpets, some stair pads, and a suit were lying in the waiting-room, and in the yard at the back of the house there were two carpets from the landings and stair carpets, one in particular badly stained with blood, together with a blood-stained shirt and some large partly-burned blood-stained towels. Ruxton told her that he had tried to burn these with petrol, but that they were too wet to burn properly. There was a partly-full petrol tin behind the back door. Mrs. Hampshire swept down the stairs, scrubbed out the bath, but could not get all the stains off, and did some washing-up in the kitchen. She did not see any fruit tin in the house.

Dr. Ruxton went to the Andersons' later in the afternoon and it was then suggested that the children should stay the night. Accordingly, Mrs. Anderson and the children returned with him in the car to Dalton Square in order to get their



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night clothes. On the way they stopped at the Rogersons' house and Ruxton left a message for Mrs. Rogerson to the effect that Mary had gone away to Scotland for a week or two and that her wages had been given to her sister. They reached Ruxton's house about seven o'clock and he went in with Elizabeth, the eldest child, Mrs. Anderson and the two younger children remaining in the car. He went upstairs with Elizabeth to get the children's things and when he came down he took Mrs. Hampshire and her husband, who had just arrived, into the waiting-room, where he made what ultimately proved to be a very grave mistake by telling them that if they cared to do so they could take away the stair carpets, the stair pads which had been underneath them, and a blue suit with blood-stains on it which, he explained, he had been wearing when he cut his hand that morning. He also gave them the carpets in the yard. He then said that they had better take the key, and told them to turn off the lights as he might not be back. On the way back they stopped at a chemist's shop in Morecambe and he asked Mrs. Anderson to get him 2 lbs. of cotton wool, and sent Elizabeth in for a bottle of Dettol disinfectant. They then left the youngest child at the Andersons' and went along the promenade with the other two children to see the illuminations. Ruxton left the Andersons' house towards ten o'clock and, according to his own statement, reached Dalton Square about eleven, where he turned on the light in the hall and slept in Mrs. Ruxton's room. In the meantime Mr. Hampshire scrubbed the stairs and his wife scrubbed the bathroom floor. This was covered by linoleum on which there was a mark which looked as if blood had been roughly wiped off. She did not notice any blood on the stairs. They worked till about 9.30, when they went through the house to make sure that all the lights were off, locked the door, and went home, taking with them the key, the carpets and pads from the waiting-room, and the suit. They could not take the carpets from the yard as it had been raining heavily and they were very wet. These articles were later to provide most damning evidence against Dr. Ruxton at the trial. It is

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evident that he did not at first realize what he had done when he gave them to the Hampshires, but on the following day, Monday, 16th September, some appreciation of the possible consequences of his action must have crossed his mind since, at about nine o'clock in the morning, he called at Mrs. Hampshire's house and asked her to give him back the suit so that he could send it to be cleaned. Mrs. Hampshire replied that as he had already been so generous she must insist on paying for the cleaning herself. They both examined the suit and the doctor probably spoke no more than the truth when he said that he had not realized how dirty it was. He added that it was very undignified for a man to wear another man's suit and for people to know about it. He then pointed out a tab in the pocket of the coat which bore his name and asked Mrs. Hampshire to cut it off, saying "Burn it; burn it now." She did so and the doctor, apparently satisfied, asked her to come to his house about mid-day to open the door to his patients, as his charwoman was ill. Ruxton was usually very particular about his appearance and dressed smartly, but on this morning he looked ill and had not shaved. He was without collar and tie and was wearing an old raincoat. He said that he had passed a sleepless night because of the pain in his injured hand. Mrs. Hampshire asked where Mrs. Ruxton was and suggested that she should be sent for, as he seemed so ill. Ruxton replied that she was in Edinburgh, and that he did not want to spoil her holiday. He then left the house. Because of this visit, Mrs. Hampshire's attention was directed more closely to the gifts which she had received from Dr. Ruxton and, after he had left her house, she examined the suit carefully. The waistcoat was so stained with blood that she could do nothing with it, so she burned it. She next untied the bundle of carpets and found that one of them, a stair carpet, was damp, and that the dampness was due to blood. In her evidence at the trial she said that she took this carpet out into her backyard and threw twenty or thirty buckets of water over it without being able to get it clean, and that the colour of the water which came off was like blood. She hung

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it on the line and later tried again to clean it by scrubbing with a brush, but she was still unable to remove the congealed blood. It is therefore not surprising that she had such a clear recollection of the state of this carpet when she gave her evidence.

After leaving Mrs. Hampshire, the doctor went back to his house, where he found Mrs. Oxley waiting for him on the doorstep. She had arrived at about seven o'clock expecting the door to be opened as usual by the doctor, who would normally then go back to bed and wait for her to bring him his coffee and toast, but when she rang the bell there was no reply. She waited for a short time and meanwhile the postman delivered some letters. She rang the bell a second time and as there was still no answer she went home. She returned about 9.15, and whilst she was waiting after ringing the bell, Dr. Ruxton drove up in his car. He was very untidy and was dressed in the manner already observed by Mrs. Hampshire. Mrs. Oxley was equally surprised to see him in such a state (although in his evidence at the trial Ruxton strenuously asserted that he had neither called upon Mrs. Hampshire nor been met on his doorstep by Mrs. Oxley, and that their statements about his personal appearance were untrue, there is no doubt that his appearance was so unusual that the events of that morning were clearly impressed upon the memories of these two witnesses) Ruxton and Mrs. Oxley went into the house together. There did not appear to be anyone in the house and, though it was daytime, the light in the hall was on. She made Ruxton some coffee and went into the surgery to help him to bandage his injured hand. He said that he had cut it with a tin-opener the day before, and that he had lost a large amount of blood. He also said that he thought the visit to Edinburgh was a made-up thing between his wife and Mary Rogerson, who had asked for her wages in advance. There was a meal in the lounge which had not been touched and the cups were unused. The stair carpets were up and the doors of the doctor's room, the drawing-room, and the dining-room were locked and she could not find the keys. It may be

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mentioned here that while it was a common occurrence for doors to be locked in Ruxton's house, the keys had hitherto always been available, and the witnesses concerned were unanimous in asserting that this week was the first time that the keys could not be found. She had never seen the bath in such a dirty state before, and she knew that it was not like that on Saturday, 14th September, when it had been cleaned by Mary Rogerson. She went into the yard where she saw a heap of burned material which had not been there on the Saturday morning. Ruxton left the house shortly before eleven o'clock.

Mrs. Oxley cleared up the untouched meal in the lounge—she saw no tin of peaches and there had been none in the house on Saturday. She left at 12.10 when her work was finished and closed the door, which had a spring lock. Mrs. Hampshire came at 12.30, as had been arranged when Ruxton called at her house that morning. There was no one in the house and the two rooms at the top were still locked. She was in the waiting-room when Ruxton returned towards 1.30, and she asked him why she had been sent for when there was nothing for her to do. He replied, "I sent for you because you give me courage." He had not had dinner, so she got him to telephone a restaurant to send a meal up. In the meantime she went upstairs with him to the lounge and again asked why he did not send for Mrs. Ruxton, as he was so ill. This time he said that his wife was in London. She then told him that he was not telling the truth, which he admitted, saying that he was the most unhappy man in the world, that his wife had gone off with another man and left him with the three children. "You make a friend of a man," he said; "you treat him as a friend and he eats at your table, and he makes love to your wife behind your back. It is terrible." He added that he could forgive extravagance or anything else, but infidelity never (denied by Ruxton). He appeared to be acutely distressed and broke down and wept. He soon recovered himself, however, and attended his surgery and saw several patients. At three o'clock the men from the Cleansing Depart-

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ment came to empty the dustbin, Monday being the day on which this was usually done. On this occasion they had to come to the front door as the door into the yard was locked. In the yard there were blood-stained carpets, and the blood-stained and partly-burned shirt and towels already mentioned, together with a heap of burned debris with what looked like plaster scraped from the wall shovelled over it. There was part of a blue silk dress with glass buttons in front of it, with fragments of oilcloth and a hamper of straw. One of the men, Joseph Gardiner, noticing blood on a carpet, asked Ruxton if he had had an accident. He said that he had severed (*sic*) his finger while opening a tin the day before and added, "And I have three children to look after." When asked if his wife was away, he said that she had gone touring in the car. At Ruxton's request everything was removed except the carpets, which he had given to Mrs. Hampshire, and a child's toy motor car which was lying in one corner, and the yard was swept out by one of the men. In the course of the afternoon a solicitor and another gentleman called to see Ruxton on business and stayed till 5.30. Mrs. Hampshire left at five o'clock. At some time on this Monday Ruxton took his Hillman car to the County Garage for servicing. He spoke to Henry Hudson, the proprietor of the garage, who had noticed that his hand was bandaged, and said that he had almost severed his little finger while opening a tin of fruit for the maid. He asked for the loan of a car while his own was being overhauled and was offered an 8 h.p. Ford, but he would not take this as it was too small. Accordingly, Mr. Hudson took him to the Grand Garage (Robert Yates) where he hired a four-seater Austin 12 saloon, CP8415, for one and a half days, and drove off in it. [Both these witnesses saw Ruxton again just before his arrest, when he was obviously trying to build up a defence against the charge which he must have known to be impending. To Henry Hudson he said that he was tickled to death, that it was the joke of his life—the police had been questioning him about the Moffat job—and asked him if he could be sure of the day and time he had brought the car for

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servicing, in the event of the police asking questions. At the Grand Garage he asked how much petrol the tank of the hired car would hold, as certain charges had been made against him and he wished to show that he could not have been up north.]

At 9.15 in the evening young Mr. Edmondson was driving home and was passed by a strange car, the driver of which signalled him to stop. He got out and found that this was Dr. Ruxton. There was some conversation, in the course of which Ruxton asked him how he was getting on with his examinations, and said that Mrs. Ruxton had his own car and had gone to Scotland for a few days with Mary and the children. At 9.30 Ruxton reached the Andersons' and asked if the children could stay another night. They agreed to this. Mr. Anderson saw the injury to Ruxton's hand, which he said had been caused by a tin-opener. There was a diagonal gash across three fingers and in one of them the bone was exposed. He thought it must be a peculiar tin-opener and said that he would like to see it. Ruxton replied that he had seen enough of it and had thrown it away. According to his own statement Ruxton got home at 11.30 and went to bed shortly after midnight.

Next morning, Tuesday, 17th, Mrs. Oxley came as usual shortly after 7 a.m., and was admitted by Ruxton, who was in his pyjamas. She made breakfast and helped to pack some clothes for the children. Ruxton left at nine o'clock, but came back with the children at 9.45 for some more clothes. He stayed for a few minutes only and then took the children to school. About twelve o'clock he called at the house of Arthur John Holmes, a decorator, and spoke to his daughter, Miss Mary Holmes, saying that her father should have come on the Monday to decorate the staircase. She knew nothing about this, but it was later established that an indefinite arrangement had been made for some time in the middle of September, but that no date had been fixed. She was quite positive about the date and time of this conversation. Ruxton, on the other hand maintained that he had called at some time in the previous

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afternoon. However this may be, it is clear that later in the day he was involved in a motor accident at Kendal, when he ran into a cyclist, Bernard Beattie, and knocked him off his bicycle. This happened at 12.35. Beattie was shaken only, but the bicycle was badly damaged. Ruxton did not stop, but Beattie managed to take the number of the car, CP8415, which he gave to the policeman on point duty. At one o'clock the car was stopped at Milnthorpe by the constable on duty at the cross roads. Ruxton was driving and was accompanied by a small child. He admitted that he had been in an accident at Kendal and was duly cautioned and asked if he wanted to make any statement. He became very excited and almost incoherent, but one of the things he did say clearly was that he had been to Carlisle on business and was returning to Lancaster. He had neither driving licence nor certificate of insurance with him and was served with a form requiring him to produce them at the police station at Lancaster. This he did in due course. Ruxton's explanation of this occurrence was that between 10.45 and eleven o'clock he had started to go to Seattle, where he wished to make arrangements for his youngest child, Billie, to stay with Mrs. Holme, but that he had lost his way and had returned by Windermere and Kendal as he had to be back in time for his surgery in the afternoon. He further stated that it was a difficult place to find and that he had lost his way every time he tried to go there. As regards the accident, he had not stopped because he saw that no damage had been done and he said that Beattie's fantastic story about a bicycle having been smashed up was not true.

Mrs. Smith, the charwoman, who had been unable to go to Dalton Square on Monday, went to the house at two o'clock. There were some patients waiting, but Ruxton had not returned. All the carpets were up and the doors on the top landing were shut. The door of Ruxton's bedroom was locked and she did not see the key anywhere; she did not try any of the other doors. Ruxton came in shortly and told her to start stripping the paper from the walls from the top of the stairs down to the bathroom, but not to bother with the land-

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ing as he could do that in his spare time. Ruxton had called on Mrs. Curwen, who had also been unable to come on the Monday, to ask if she would take the little boy, Billie, out as Mrs. Ruxton and Mary had gone to Edinburgh for a holiday. She therefore went across to the doctor's house and was admitted by Mrs. Smith. She did not know on the Friday that the decorators were coming, but she now found that all the carpets on the stairs and landing had been taken up. In a recess in the backyard she saw a heavily blood-stained blanket soaking in an enamel bowl beneath a stream of running water from a tap. After wringing this out, she left it in some fresh water for Mrs. Smith to finish. Before she left at 7.45 Ruxton asked her to make up a large fire in the waiting-room—he was going to stay up all night as he could not sleep with Mrs. Ruxton away. His hand was bandaged and he said that he had cut it with a tin he was opening on Sunday morning. That night at eight o'clock two sisters, Dorothy Elizabeth and Catherine Annie Mather, who lived close by, saw the reflection of a fire on the top part of the wall of the County Cinema, which forms one side of the backyard at 2 Dalton Square. The light from this was described as being sufficiently bright to read by and it was still visible at midnight (Ruxton denied that there was any fire on that night). Ruxton, in his statement to the police and in "My Movements,"\* said that he went to the Andersons' that evening and brought the children home about 10.30, but Mrs. Anderson in her evidence stated that he called for them in the forenoon of that day. At all events, they stayed the night at Dalton Square.

During the forenoon of Wednesday, 18th September, Mrs. Oxley and Mrs. Curwen were both at the house. Ruxton told them that they might have the carpets which were in the yard, as he was going to get new ones put down, so they each took a share. Mrs. Anderson telephoned and left a message for Ruxton, asking him to take Diane and Billie to the carnival at Morecambe for the day. At twelve o'clock Ruxton called on Miss Holmes to ask why her father had not gone

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\* See Appendices XII and XIII, pp. 439 and 443.



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to his house the day before. She told him that her father had been unable to go as he was busy. Mrs. Smith arrived at two o'clock and finished her task of stripping the paper from the walls of the staircase. While she was doing this, she noticed that the casement curtains of the window below the top landing had blood on them. This was also seen by Mrs. Oxley and by Mrs. Curwen, who took the curtains down and put them in the linen basket. Ruxton saw her taking them down and asked her where she had put them. He told her not to leave them in the linen basket, and tore off the bottom part where the bloodstains were. He burned this in the kitchen fire and gave the remainder to the charwomen to use as dusters, remarking as he did so that the police would be saying next that he had murdered Mrs. Smalley. [Mrs. Smalley was a woman who had been found dead at Morecambe, about whom the police had been making inquiries.] On the same day Mrs. Smith in cleaning out the bathroom noticed two marks of blood on the right-hand wall about three feet from the floor. Ruxton took Mrs. Anderson and the two younger children to the carnival at Morecambe in the afternoon—Elizabeth, the eldest child, was taking part in a procession. Later he returned the borrowed Austin car and got back his own Hillman. He spent the evening at the Andersons' where, as Mrs. Anderson stated, he fell asleep as he was so tired, and did not leave till 1 a.m. The children remained there for the night.

On the following morning, Thursday, 19th September, Ruxton asked Mrs. Oxley to get breakfast quickly, as he was going to see a specialist about his hand [denied by Ruxton]. She was working in the kitchen at 7.30, when he brought his car to the back door. He came into the house, and as he passed the kitchen he shut the door. He then made several journeys between the car and the upstairs rooms, and finally left the house at eight o'clock, but before he did so he told her to take the key when she left at dinner time and give it to Mrs. Curwen, and also to ask her to tell any patients who might call that if he was not back by three

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he would be back at seven. Mrs. Curwen, however, came at 8.30 and found Mrs. Oxley alone in the house. After Ruxton left, Mrs. Oxley found that the doors previously locked were now unlocked, and that there was an unpleasant smell in Ruxton's room. A smell was also noticed by Mrs. Smith, who came later, and by Mrs. Curwen. Mrs. Smith said it was on the first-floor landing near the drawing-room and dining-room, but she did not investigate its source. Mrs. Curwen, on the other hand, stated that it came from the doctor's bedroom and the drawing-room and that the doors of these, and also the door of the dining-room, were still locked, but that the doctor's bedroom was open next day, Friday, 20th September. It will be noticed that there is a discrepancy in the evidence of these witnesses, specially in the statements of Mrs. Oxley and Mrs. Curwen in regard to the locked doors. This Ruxton was quick to observe (he had, of course, already heard the evidence given at the Police Court proceedings) and at this stage in the trial he handed a note to Mr. Birkett during his cross-examination of Mrs. Oxley: "Please tackle her very carefully *re* the doors being found open by her on Thursday morning, 19th September. She says they were open. Mrs. Curwen says they were never opened." [See illustration facing p. 96.] This was one of innumerable notes which Ruxton handed to his Counsel in the course of the trial, and it is obvious that he must have followed the evidence with great care. From the evidence submitted, it is clear that there was an unusual and unpleasant smell in the house on this day, and that on this or the following day doors were open which had been locked during the earlier part of the week.

Dorothy Neild, the Andersons' maid, brought the children to the house at 2.30, as the Andersons were expecting visitors, and left them with Mrs. Curwen. About 3 p.m. young Mr. Edmondson saw Ruxton driving up Great John Street in his car, coming from the north. Ruxton came in shortly after three o'clock, when Mrs. Hampshire saw him in his surgery and he asked her if the suit which he had given

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to her had been cleaned. She said that it had, though, in fact, she had not yet had this done.

On each afternoon of this week after Tuesday, 17th September, Mrs. Smith and Mrs. Curwen kept fires going in the yard under Ruxton's direction. Papers were burned and they did not see Ruxton add anything else, but on this afternoon Mrs. Smith, when stirring a fire which was only smouldering, saw a piece of bloodstained cotton wool about 18 inches in diameter. Mrs. Curwen swept out the yard several times during the week and on one occasion about this date she saw pieces of partly-burned blue and red material and a swab of cotton wool with blood on it. She also saw what seemed to be one long and two short handles from a travelling case, all partly burned. The blue material resembled a coat which belonged to Mary Rogerson, and the red was like an old-fashioned dressing-gown which she used to wear. In the evening a fire was seen in the yard at 8.30, and was observed by various witnesses to be still burning up till eleven o'clock. One witness saw Ruxton himself stirring the fire.

Ruxton in his evidence insisted that Mrs. Oxley was mistaken in saying that he told her that he was going to see a specialist on this day and that he had made no such remark to her till Tuesday, 24th September. There appears, however, a note in "My Movements," under 19th September: "Thought of seeing P. J. G. for hands." He accounted for his movements in the earlier part of the day by saying that after he left the house a little before nine o'clock he paid some professional visits and went to the Andersons' towards 11.30 to ask them to keep the children. [Mrs. Anderson and Dorothy Neild were certain that he did not call at their house at any time on this day.] He left the Andersons' at mid-day to go to Blackburn, with the intention of spying on Mrs. Ruxton and Bobbie Edmondson who, he thought, were meeting secretly at an office which his wife had rented in connexion with some betting business. He explained that his journeys up and down stairs in the morning were for the purpose of fetching a camera and tripod, so that he might

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photograph Bobbie Edmondson's car if he saw it outside Mrs. Ruxton's office—Mrs. Oxley may have shut the kitchen door, but he did not. Had Mrs. Ruxton suspected him of spying on her movements, she would expect him to go on Wednesday or Sunday, his off days, and he therefore went on Thursday when she would least expect him.

At 10.15 p.m. Miss Beryl Beckett telephoned Ruxton about one of his patients in regard to whom difficulties had arisen, but he said that he could not come as he had hurt his hand with his car, and asked her to call in another doctor. She saw him the next day in connexion with another case. His hand was bandaged and she asked what he had done. As before he said that he had hurt it on his car, and he then ran out of the room.

Mrs. Curwen served lunch for Ruxton on Friday, 20th September, and while he was having it he remarked that there was a nasty, stuffy smell in the house, and asked her to buy a spray and a bottle of eau-de-Cologne. He also told her that he had been to Blackburn the day before and, after parking his car, had walked up and down in front of Mrs. Ruxton's office to see if he could see her. Mrs. Curwen duly purchased the spray and eau-de-Cologne, and these were evidently used by Ruxton as she saw him coming downstairs with the spray in his hand and she smelt the scent in the house. Ruxton later maintained that it was he, and not Mrs. Curwen, who first noticed the unpleasant smell in the house, and he explained it as coming from the wet size which had been left when the wallpaper was stripped. In the afternoon young Mr. Edmondson saw Ruxton outside his house in his own car (the Hillman) and spoke to him. Ruxton again asked how he was getting on with his examinations and told him that Mrs. Ruxton's betting business had fallen through and that she and her sister were going to her aunt in London. He did not mention if she had returned, but the car was there, and it will be recalled that Ruxton had previously told him, in explanation of his driving the hired Austin, that his wife had taken his car away with her.

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About five o'clock Ruxton went to Miss Bessie Philbrook and asked her if she would take the children out while Mrs. Curwen went shopping. Miss Philbrook was one of his patients, who also knew Mrs. Ruxton socially, and she used occasionally to take the children out for walks. She agreed to do this and Ruxton took her back to Dalton Square in his car. On the way he told her that Mrs. Ruxton and Mary were in Scotland and he asked her, apparently quite irrelevantly, if she knew that Mary was pregnant. About this time Ruxton, whose explanations of the absence of his wife and Mary Rogerson had been anything but consistent, began to suggest to various witnesses that Mary had got into trouble, and he ultimately expressed his belief that Mrs. Ruxton had taken her away with the intention of having a pregnancy terminated by an illegal operation. But, as will be seen, there were no grounds for these assertions and if his object in making them was to prevent further inquiries being made for Mary Rogerson, it was not achieved. Miss Philbrook took charge of the children for the rest of the afternoon and took them home at seven o'clock. Ruxton was in his surgery and she asked if he would like her to put the children to bed. She did this and at his request stayed with them till ten o'clock while he made some calls. On Saturday, 21st September, Ruxton called again at the decorator's and Miss Holmes told him that her father was busy and that he would probably have to wait, but he told her to ask him to call at his surgery that evening. He was unable to do so and Ruxton, on the following day—Sunday, 22nd—called for the fourth time and asked her to tell her father to call next day, Monday, before going to work and to bring patterns of wallpaper with him. Mr. Holmes sent a note to say that he was sorry but he was busy and that the doctor had better get someone else to do the job. At four o'clock in the afternoon Mr. Thomas Harrison met Ruxton in Dalton Square and went with him in his car to the house of a Miss Sharples. In answer to his inquiry Ruxton told him that he had cut his hand with a tin-opener and he also mentioned that Mrs.

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Ruxton had gone to Blackpool—Mr. Harrison did not know at that time that Mrs. Ruxton was missing. In the evening Miss Philbrook stayed with the children while Ruxton went to Morecambe. Peter Rogerson, Mary's brother, called and she told him he would have to come back another time as the doctor was out. Ruxton's comment on this, when he returned at ten o'clock, was that Mary's brother would be after her wages.

Monday was washing-day at Dalton Square, and on 23rd September Mrs. Smith, in emptying the soiled-linen basket on the top landing, found a white silk nightgown with a bloodstain as large as the palm of her hand on one shoulder. She washed this and got out the stain and then left it downstairs to dry. In the evening at 6.15 Peter Rogerson called again to ask if Mary had come back yet. Ruxton asked him to come in and said that he would explain as best he could. He said that Mary and Mrs. Ruxton had gone on a tour to last for a week or a fortnight [denied by Ruxton], and then asked a number of questions: had they heard anything from Mary?—it was not unusual for him not to hear anything from Mrs. Ruxton when she was away; had Mary had any trouble at home, and did he know anything of her going with a laundry boy? He answered that they had not heard from her and that they did not know about anything of that kind. Ruxton finally said that Mary had drawn her wages for the previous week in advance, and gave him her wages, 15s., for that week. It is perhaps of interest to note, as throwing some light upon Ruxton's peculiar temperament, that in his statement to the police and also in "My Movements" he records that Miss Philbrook again looked after the children this evening, while he went to see "Clive of India" at a cinema.

Tuesday, 24th September, was the day upon which, Ruxton said, he told Mrs. Oxley that he was going to see a specialist about his injured hand, but it was marked more particularly by his going to the police station at Lancaster to protest against what he considered to be an unwarrantable interference

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with his private affairs. John Ronald Cook was in the detective office at the Town Hall when Ruxton came in and objected to his servants being questioned in regard to the death of Mrs. Smalley, and said that people were actually accusing him of killing her. He insisted on showing him his injured hand. There was a severe wound on the little finger and another on the third finger. In his statement to the police he said that Cook actually dressed his finger, but there is nothing to this effect in the evidence, either of Cook or of Ruxton himself. Detective-Inspector Moffat, who had been making inquiries about Mrs. Smalley and had seen Mrs. Curwen at the police station, also saw Ruxton between three and four o'clock in the afternoon. He was very excited and talked so rapidly that it was impossible to record everything he said. He began: "Look here, Inspector Moffat, what the hell do the police want inquiring about my private affairs for?" He protested that he did not know Mrs. Smalley and that he had enough trouble on his mind. He invited the inspector to go across and search his house. He insisted that every doctor was jealous of his success and that the inquiry was the result of professional jealousy. He pointed to his bandaged hand and said he had injured it with a fruit tin he was opening for his children the previous week. He said he was the most miserable man on earth; that his wife had left him; that he came home from visiting patients a fortnight ago and found a note from her which said, "I am going away, don't worry"; that he did not know where she was, but that she was supposed to have gone to Scotland. The inspector explained to Ruxton why one of his servants had been interviewed and he then repeated, "It is professional jealousy and you will hear more about it," and went away. Ruxton saw Cook again next day, Wednesday, 25th September, evidently because of further gossip connecting his name with the death of Mrs. Smalley. On this day also he called on Mrs. Rogerson and said that he had come to see her about Mary as she had been different lately. He told her that Mary had been associating with a laundry boy and

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asked her if she knew that she was pregnant. Mrs. Ruxton, he said, had walked out of the house with Mary and was taking her away to try and get this trouble over. So far as Mrs. Rogerson knew, Mary was not pregnant, and she did not know that there had been any boy. She said that Ruxton had better come and see her husband, who would be home from his work at 5.30. Ruxton called on Mr. Rogerson in the evening and told him a similar but more circumstantial story—Mrs. Anderson was at his house one day and said, “Look at Mary; she is pregnant.” He looked, and said, “My God, she is, and I as a doctor know she is” [Mrs. Anderson stated that this episode did not occur]. Ruxton then told him that she could have gone away and had the baby and kept it all quiet, and then could have come back to work at his house. Mr. Rogerson had neither seen nor heard of any boy, and Mary had never mentioned marriage. His determination to get his daughter back was in no way modified by Ruxton’s story, and he told him that “That girl must come back whatever her condition,” and that if Mary was not home by Saturday he would report her to the police as missing. Ruxton said that he would bring her back by Sunday and asked him not to go to the police. At no stage in the trial was any evidence produced to support Ruxton’s contention that Mary Rogerson was pregnant and there was, in fact, some evidence to show that this was not the case; Mrs. Rogerson knew that Mary had been unwell in August, and Mrs. Curwen, with whom Ruxton had also discussed the matter and to whom he had told the same story about an illegal operation, had found a bag containing used sanitary towels in Mary’s bedroom. Since the judge laid some stress on it in his charge to the jury, it may be mentioned here that Mrs. Curwen also found a white cotton night-dress on a chair. This was one which Mary had been using and it had been worn since it was last washed. Ruxton evidently considered Mr. Rogerson’s attitude to be unreasonable as on the next day, Thursday, 26th September, he met a friend, Mr. Jefferson, and told him that he suspected his



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wife of an affair with young Edmondson and had followed her to Edinburgh, that his wife and Mary had gone away and left him and that Mr. Rogerson had called and had threatened to go to the police, adding, "Of course you know the type of man he is; he is a man that would go to the police about anything." It is stated in "My Movements" under this date, though it does not appear in any of the evidence, that Mr. Jefferson said that Mrs. Ruxton had borrowed £9 from him. This evening Miss Philbrook again looked after the children, while Ruxton went to a cinema.

We now come to Sunday, 29th September, when the remains were discovered at Moffat and the police investigations began. When, in due course, accounts of the finding of the remains were published in the press, with the statement that one of the bodies was that of a man, it appeared to give Ruxton considerable satisfaction, as he told Mrs. Oxley to listen to an account of the "Ravine Murder" in the *Daily Express*, and after remarking, "So you see, Mrs. Oxley, it is a man and a woman; it is not our two," he began to laugh. On another occasion he spoke about the Smalley affair to Mrs. Smith, in the presence of Mrs. Oxley and Mrs. Curwen in the kitchen at Dalton Square, and said, "Thank goodness the other one in the Moffat case was a man and not a woman," and added, "or they would be saying things"—that he had murdered his wife and Mary. He held up his bandaged hand and asked what people thought he could do with a hand like that. Mrs. Smith told him to take no notice, as people must be daft to say things like that.

On Monday, 30th September, Ruxton called on Mrs. Hampshire to ask again if the suit had been cleaned and told her, "I have a great joke for you, Mrs. Hampshire; the police have been questioning me about the Mrs. Smalley business." He seemed to think it incredible that he should be suspected and appeared to be much amused.

On Tuesday, 1st October, Mrs. Rogerson and her husband called at Dalton Square in the evening. Ruxton invited them to come in and told them that he could not get to know where

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they [Mrs. Ruxton and Mary] were, and that they had broken into his safe and taken £30 out of it. He showed them a letter he had written to Mrs. Nelson, which he read to Mr. Rogerson, and which, he said, had been returned through the post. He told them not to worry and that they would come back when the money was gone. They again told him that they were going to inform the police.

On Wednesday, 2nd October, Mr. Frank Eason, another decorator, called at Ruxton's house to collect payment for some work which he had done earlier in the year. The staircase had not previously been mentioned, but Ruxton now asked him to submit a price and date for decorating it. He commenced the work forthwith and finished it on 6th October.

On Friday, 4th October, Ruxton again called at the police station and told Detective-Constable John Winstanley that his wife had gone away on 15th September, and had taken the maid with her. "She can't have any love for the children," he said, referring to Mrs. Ruxton. "Not even a postcard to Elizabeth." He produced and read extracts from a letter which, he said, he had sent to his wife at Edinburgh and which had been returned through the post. He said that he would take her back even now. He complained that his practice might suffer in consequence of his name being connected with Mrs. Smalley, and that he did not even know the woman. He then took a bunch of keys out of his pocket and invited Winstanley to go and search his house, becoming very agitated as he did so. He went on to say that he believed that Edmondson, meaning young Mr. Edmondson, knew where his wife was and suggested that letters addressed to him should be intercepted to see if they contained any reference to Mrs. Ruxton. Winstanley, of course, told him that the police had no authority to do this. He then said that he had asked the postal authorities to keep a record of calls from his house as his telephone bills had been excessive and that they had informed him that silly love-talk had been overheard, and that repeated calls were being made to the Town Hall. He then

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became excited and banged his fist on the table saying [referring to Edmondson], "The blighter, I could murder him."

Mrs. Rogerson had heard that Mrs. Ruxton and Mary had gone off to open a commission-agent's office and that Mrs. Curwen had been clearing the office for them and might be able to tell her where Mary was. She accordingly went to Ruxton's house on Saturday, 5th October, to get Mrs. Curwen's address. She went back to Ruxton after seeing Mrs. Curwen, and he told her that Mary had been working in conjunction with his wife to deceive him and that he sometimes felt as if he could choke them both. She said she hoped that he would not choke Mary, and he replied, "Oh no, Mrs. Rogerson, I don't mean that. I am frantic. I do not know what I am saying. I feel as if I could gas myself, and would do so, only for my poor children." Ruxton, on this day, called on Mr. Edmondson and asked where his son was. He was told that he was staying with some friends in Edinburgh. The doctor's manner and the sly way in which he asked for the address of these friends made Mr. Edmondson think that there was something behind this question, and he asked Ruxton why he wanted to know. Ruxton burst into tears and Mr. Edmondson told him to pull himself together and tell him what the trouble was. He said, "I am sorry for you. I think a lot about your Bobbie, but my wife was going to Edinburgh and Bobbie is in Edinburgh, and I know there have been telephone messages." Mr. Edmondson said that the telephone messages could easily be explained, as Bobbie would be back that day. Ruxton began to comment at great length on the trip to Edinburgh on 7th September, and Mr. Edmondson, to stop him talking, told him about it and made it clear that he himself was one of the party. Ruxton said that his wife had told him she stayed at her sister's. Mr. Edmondson did not know why she should say this, and Ruxton said that he would like to see Bobbie. At this point Mrs. Edmondson and her daughter came in and there was no further discussion. Mr. Edmondson and his son talked the matter over and decided that it would be wise to see Ruxton,

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so they went to Dalton Square together next day, Sunday, 6th October. Young Mr. Edmondson explained that he had come to confirm what his father had told him the day before—that he did not know where Mrs. Ruxton was. Ruxton then commenced an excited tirade about his wife's gambling habits, untruthfulness and extravagance, and other irrelevant matters. He appeared to be overwrought, and controlled himself with difficulty. Mr. Edmondson asked him point-blank if he inferred at all that his son had anything to do with Mrs. Ruxton going away. Ruxton replied, "Oh, no, no," and Mr. Edmondson then told him that there would be trouble if he heard Ruxton or anyone else mentioning his son's name in connexion with Mrs. Ruxton's going away now. In spite of all this they shook hands and parted on friendly terms, Ruxton saying to young Mr. Edmondson that he really did want his wife back and that he felt sure she would be returning some day, and asking him to do what he could to get her to come back, if he ever heard from her, or even of her. Nevertheless, on the same day, he went to Mr. Harrison's house and, after inquiring if he had seen Mrs. Ruxton, asked him to tell Bobbie Edmondson not to interfere with his affairs and to keep away from Mrs. Ruxton.

On Monday, 7th October, Mrs. Nelson received a letter from Ruxton [see p. 24] apparently written in considerable distress, saying amongst many other things that his wife had left him for the second time; that accounts and betting bills in her name had been coming in; that she was trying to help the maid, who was in a certain condition, and expressing the hope that she would not involve herself in any legal trouble. He said that according to his latest information Mrs. Ruxton was somewhere in Birmingham and that he intended to come to Edinburgh on Wednesday to talk things over with her. Mrs. Nelson's son would not allow her to answer this, but he did so and (as may be inferred from Ruxton's reply) told him that his mother could not help him and did not wish him to come to see her.

On the morning of Wednesday, 9th October, Mrs.

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Curwen was instructed by Ruxton to take Mrs. Ruxton's clothes out of the wardrobe in her bedroom, as he wished to take the best of them to her sister in Edinburgh. He selected what he wished to retain and Mrs. Curwen packed them in a suitcase; she was also asked to pack Mary Rogerson's clothes in readiness for her going home, but she could not get everything into the package. After the packing there was a heap of Mrs. Ruxton's clothes on the floor with some of Mary's things among them and Ruxton told her to divide these with the other charwomen, who each took a share. When he was starting to go to Edinburgh Mrs. Curwen reminded him that he was forgetting the suitcase with Mrs. Ruxton's clothes, but he said he could not be bothered taking them that day and went off without them. Ruxton explained in his evidence that he meant to take Mrs. Ruxton's clothes to Edinburgh to teach his wife a lesson, but did not do so in case this action precipitated a permanent separation. This, however, could hardly be the case, as he had already said in another letter to Mrs. Nelson that his wife had taken practically all her clothes away with her.

[At this stage in the trial, when certain articles of clothing belonging to Mary Rogerson were about to be submitted to Mrs. Oxley for identification, Mr. Birkett asked the judge for his ruling as to the admissibility of evidence relative to the identification of Mary Rogerson's clothing on the issue before the jury. (The arguments are set out on pp. 65 and 66.) Mr. Justice Singelton ruled that the evidence was admissible, but he reminded the jury that they were inquiring into the death of Mrs. Ruxton and pointed out that any evidence with regard to Mary Rogerson could only be subsidiary, because it might go to the question of identity.]

On this day Mrs. Rogerson called at the police office at 3.30 in the afternoon to give a description of Mary Rogerson for circulation. Mrs. Nelson in the meantime had received the second letter from Ruxton, dated 8th October [see p. 25], in which he expressed surprise at her attitude towards himself, and said that he was

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coming to Edinburgh on the 9th, and that he would be grateful if she would see him at the house of her sister [Mrs Trench]. He appealed to her to hear what he had to say and to help him to get Mrs. Ruxton back. There were also a number of statements and speculations about Mrs. Ruxton's actions, similar to those in the previous letter, and a remark that she had taken practically all her clothes away with her. Ruxton arrived in Edinburgh in the afternoon and Mrs. Nelson saw him at Mrs. Trench's house at 4.30. He asked her if she was hiding his wife and she said, "Don't you know where she is?" He replied, "What do you mean?" Mrs. Nelson, by this time probably suspecting that all was not well with her sister, specially as she had heard of the finding of bodies at Moffat and also knew that Mary Rogerson was missing, asked him if he had done anything to her, to which he answered, "I would not harm a hair of her head. I love her too much. I do not stand to make a penny by her death." He was greatly excited then and spoke almost continuously for several hours. Amongst many other things he repeated the story of his belief that Mary Rogerson was pregnant; emphasized the statement already made in his letter that his wife had taken all her clothes with her except an old leather coat, and finally stated that he would be forced to publish her photograph and advertise for her in the papers. Mrs. Nelson said it would be all right as she had had a letter from Mary Rogerson's father, and the police would be looking for her in any case. Ruxton seemed very annoyed at this and said that he had been to see Mary Rogerson's parents, and that Mrs. Rogerson was a nice woman, but the father was very unreasonable and did not seem to believe what he, Dr. Ruxton, told him. As Ruxton was leaving the house, Mrs. Nelson overheard him saying to her sister, Mrs. Trench, "If anybody comes asking questions, do not answer them."

When Ruxton got back to Lancaster at 3.50 a.m. on Thursday, 10th October, he was met at the railway station by Inspector Clark. Ruxton told him that he had been to

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Edinburgh to try to find his wife, but without success, and had seen her sister, who also knew nothing of her whereabouts. The inspector took him home in his car and on the way Ruxton told him that Edmondson knew where his wife was, and gave him another version of the trip to Edinburgh with the Edmondsons. He said that she had gone in his car, that Edmondson's car had joined it later, and that he had followed them to Edinburgh in another car. He did not mention that Mr. Edmondson's parents and sister were in the party, but stated that Edmondson and his wife had stayed at the Adelphi Hotel, and that when he went there the next morning he found that they had been staying there under the name of Mr. and Mrs. Ruxton. He also told the inspector about the accident at Kendal and said he had not been north but had gone to Seattle and come back by Kendal. When he got out of the car at his house he said, "You inquire of Mr. Edmondson at the Town Hall, and he will be able to tell you where my wife and maid are."

Next morning, or rather later in the same morning, Ruxton went to Mrs. Hampshire and again asked her what had been done with the suit he had given her. She told him it was upstairs and he asked her to burn it, "Do something about it," he said. "Do something about it. Get it out of the way. Burn it." He said that the police had been questioning him about Mary Rogerson. Whilst he had been amused when he told her that he had been questioned about Mrs. Smalley, his attitude on this occasion was very different, and it may be inferred from Mrs. Hampshire's description that he was now becoming desperate as he saw the net beginning to close round him. He then asked her if the carpets had been cleaned and she told him he was standing on one of them. He commented that she had got it fairly clean and asked about the other. When she said that it was in an awful state and that she could not get it clean, he asked her to burn it also. His agitation was extreme and he asked her if she would stand by him, as he had not a friend in the place. She said she would do what she could, and as he left the house

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he said that he was going to make a statement to the police, and asked her to wait till he had done so before she gave hers. Later in the day he looked in for a few minutes at Mrs. Rogerson's to ask how she was. He said he had been in Scotland and asked her if she had had any word of Mary. At 10 p.m. he went to the police office where Detective-Constable Winstanley was on duty, and as he came in he said, "Winstanley, all this damned nonsense is ruining my practice. Can nothing be done to stop this talk?" He said he actually thought that his name was being connected with the finding of human remains at Moffat. Winstanley replied that they had no authority over the press and that although inquiries were being made they had no authority to make any statement. He asked Ruxton to give a description of his wife to be circulated with a notice that she was missing from her home. This was taken down and signed by Ruxton,\* who then went with Winstanley to Dalton Square and gave him a photograph of Mrs. Ruxton.

On Friday, 11th October, Ruxton began to compile the document "My Movements" which he later gave to the police, and also paid several visits to the police office. The first was at 10 a.m., when he took a copy of the *Daily Express* to Inspector Stainton and said, "Look at this, ruining my practice. Why do they not accuse me of the Moffat murder? Someone will be putting a dead baby on my doorstep and I will be accused of killing it. My patients keep looking at my hand," and proceeded to describe how he had cut his hand. He was asked if he had given any carpets away and replied that the carpets on the stairs and landings were sworn that he had given his servants, Mrs. Oxley, Mrs. Curwen and Mrs. Smith the privilege of taking them. Inspector Green, who had been making inquiries about Mary Rogerson and had seen her parents, was in the office at this time and asked Ruxton how he knew that she was pregnant. He said he had not examined her but that he could tell by her general appearance and a slight swelling which suggested that she

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\* See Appendix XI, p. 438.



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was two to three months pregnant. Inspector Green then asked him at what time his wife and maid had left the house on Sunday, 15th September, and he explained at some length that they had all arranged to go away for the day and that he had got up early for this purpose, but that his wife had changed her mind and said that she was going to Edinburgh and taking Mary with her. They left about 9.15 but he did not know what luggage they had with them as he did not see them go. At mid-day Ruxton gave Captain Vann, Chief Constable of Lancaster, authority to publish his wife's photograph. He next saw Mr. Rogerson and said that he wanted to know how many teeth Mary had had extracted, and where this had been done. He asked if the police were connecting Mary with the Moffat crime, and if he was also. Mr. Rogerson replied, "Not at all," after which Ruxton left the house in great haste. At 9.30 p.m. Captain Vann and Inspector Green were again visited by Ruxton at the police office. He brought a copy of the *Daily Express* and pointed to a paragraph which referred to the teeth of one of the bodies found in the ravine, saying, "My dear Vann, can't you do something about these newspaper reports?" and went on, "Look at this. This newspaper says that this woman has a full set of teeth in the lower jaw, and I know, of my own knowledge, that Mary Rogerson has at least four teeth missing in this jaw." He then became excited and waved his arms and made the remarks already quoted about this publicity ruining his practice. His manner became hysterical and he was almost incoherent as he went on to make further accusations against young Mr. Edmondson—"This damned Bobbie Edmondson is ruining my home. One day I tapped a telephone conversation when she spoke to this man. The conversation was in lovers' terms"—and again asked if the police had no authority to intercept letters in the post. Captain Vann told him that he had no such authority and tried to calm him, but he wept and appeared to be very distressed and asked if it was not possible to publish a statement that there was no connexion between the bodies at Moffat and his wife and maid. Captain

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Vann, as has been mentioned, stated that he would do so when he was satisfied that this was the case.

By Saturday, 12th October, if not before, Ruxton must have realized that his arrest was inevitable and he spent most of what was to be his last day of freedom in interviewing various persons with whom he had been in contact since Sunday, 15th September, and suggesting to them accounts of the events of different days which, though no doubt advantageous to him, were not in accordance with the facts. To some of them, and to various other people, he made observations which were extremely indiscreet, to say the least of it, from a man in his position. To Mr. Arthur Howson, a hair-dresser, he remarked in the course of a conversation that there was more trouble for him, as his wife had gone away; that he did not know where she was, but that he had definite proof that she had gone with another man, mentioning Mr. Edmondson; and as he left the shop he said they were after him for the murder of Mrs. Ruxton, Mary Rogerson, and Mrs. Smalley. He went to the Andersons' about 10 a.m. and asked Miss Dorothy Neild if she could say that he had been at the house every day since his wife had gone away. She said she could, but he came again about an hour later and asked if she thought she could say that he had been on the Thursday following the carnival (19th September); she again said she thought she could, but, not content with this, he asked her if she was sure about that day, and she said "Yes." Miss Neild was under the impression at that time that Ruxton had been at the house every day, but, on considering the matter more carefully, she was convinced that he had not called on that Thursday. He called on Mr. Eason, the decorator, and asked him if he remembered working for him in the early part of May, 1935, and if he remembered him mentioning the decoration of the staircase. Eason said that he had mentioned interior decorating but not the staircase. Ruxton said, "Not the staircase," and then went on, "Do you not see they are saying that I have got you to decorate my staircase to cover up the bloodstains, as I have done a

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murder? ” To Mrs. Oxley he said, “ Oh, Mrs. Oxley, about that Sunday morning, tell them I came for you at seven o’clock and told you not to come, and that I came again at nine and you came down till eleven.” Mrs. Oxley told him she could not say that as it was not true. Mrs. Curwen was at Dalton Square in the forenoon, and as she was preparing to leave at 1.30 she heard a curious noise. She went out into the yard, where she saw Ruxton in the recess, where the bloodstained blanket had been found, scraping the walls and floor with an axe. She could not see what he was scraping, but when he saw her he said that the police would be saying next that he had done a murder. In the afternoon he sent for Mr. Ernest Hall and asked him to make a statement, the purpose of which is not evident even now, since it was apparently to prove that Mary Rogerson was alive on the evening of Saturday, 14th September. Mr. Hall was a cinema operator. He was a patient of Ruxton’s and used to do odd jobs about the house for him. He saw Ruxton professionally on Saturday, 14th September, and was signed off work and given a prescription. He went home and stayed in bed till Monday, 16th September, when he again attended Ruxton’s surgery at 6.45 in the evening. He commented on Ruxton’s bandaged hand and was told that he had had a slight accident when opening a tin. Ruxton asked him if he would get a plumber for him, as the lavatory was out of order. Hall said that he would have a look at it himself, and he found a minor defect in the flushing mechanism, which he repaired as best he could without tools. On Saturday, 21st September, he met Ruxton in Dalton Square and was asked by him if he was ready to start work on a lighting scheme which had been arranged in July. Hall started this job on Monday, 23rd September, and worked on it for a number of days. On Tuesday, 24th September, Ruxton asked him if he remembered when he first mentioned that he was going to have the lights put in and on Hall replying that he did, Ruxton said, “ Well, I do not want you to forget when it was that I asked you.” Hall added that it would be about July, which evidently

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pleased Ruxton, as he said, "Oh, that is all right then," and went on to tell him that people were talking, saying that he had things to cover up. When he went to the house on Saturday, 12th October, Ruxton was in the consulting-room and the first thing he asked him was if he remembered coming to his house on Saturday night, 14th September, to repair a fuse, when Mary Rogerson opened the door. Hall replied that he did not remember that at all. Ruxton said, "Surely you remember coming on that particular night?" Hall again said that he did not remember, and suggested that he meant Monday night, 16th September, but Ruxton said it was not the Monday and that he was to forget that he had ever been on that night. After repeating, "Surely you remember that particular night" he wished Hall to promise to swear in any Court that he came on the Saturday night and that Mary Rogerson opened the door for him. Hall said that it was impossible for him to have been there on that particular night as he was at home in bed. Ruxton seemed to be very upset at this and began to scribble on a pad, saying that he was going to make a statement to the police, and making various rather confused remarks about the children.

At seven o'clock Ruxton telephoned Captain Vann to say that he was very pleased with a statement which had appeared in the press, and at 9.30 he went to Captain Vann's office at his request, leaving the children with Miss Philbrook. A number of police officers, including some from Scotland, were present. Captain Vann told Ruxton that he thought that he could possibly give some useful help in finding his wife and maid, and that he proposed to ask him to account for his movements between 14th and 30th September. To this he replied, "I shall be only too pleased to tell you all I possibly can." Captain Vann then told him that what he said would be taken down in writing, and cautioned him. Ruxton produced the document "My Movements," which he had brought with him, and then made a voluntary statement,\*

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\* Appendix XIII, p. 443.

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which was taken down and typed, sheet by sheet. He read the statement and made some corrections, which took him about seventy minutes, and then signed it.

By this time it was 3.50 on the morning of Sunday, 13th October, and although he had several times said that he was tired and wanted to go home, Captain Vann persuaded him to stay. Thereafter, at approximately 5 a.m., following a conference with the other officers, Captain Vann put certain questions to him. The nature of these questions, and of the answers to them, did not emerge, as Mr. Birkett objected to them being put in evidence [see p. 137 for the relevant Judges' Rules], and Mr. Justice Singleton ruled that the evidence relative to these questions should not be given, on the grounds that even though Ruxton had not actually been taken into custody and charged, if it was the fact that he had been there through the whole night, he was virtually in the same position. After further consultation with the Scottish police, Ruxton was arrested at 7.20 a.m. and charged by Captain Vann with the murder of Mary Rogerson. Ruxton was cautioned but said, " Most emphatically not. Of course not. The furthest thing from my mind. What motive and why? What are you talking? "

Next day, 14th October, Ruxton appeared in the Borough of Lancaster Police Court and was charged with the murder of Mary Rogerson. There were weekly remands without any evidence being called from that date until 5th November, when he was further charged with the murder of Isabella Ruxton. He was further remanded from week to week, on the application of the Director of Public Prosecutions, until 26th November, when the case was opened and evidence was called for the first time. Further evidence was called on the 27th, 28th, and 29th November, and on the 3rd, 4th, 5th, 6th, 10th, 11th, 12th, and 13th December, and on the last-mentioned date he was committed for trial at the Manchester Assizes. He was committed for trial on both charges, but he was tried for the murder of Mrs. Ruxton only. At the time of his arrest the police were more certain of the identity of

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one of the bodies than of the other, but evidence which came to light at a later date led them to prefer the charge which was presented to the jury.

After the arrest the police made a detailed investigation of the house at 2 Dalton Square and took possession of various articles. Amongst these were clothing and shoes belonging to Mary Rogerson, a leather motor coat, shoes belonging to Mrs Ruxton, a scalpel and a pair of dental forceps, a revolver, Ruxton's diaries from 1919 to 1927, and a sheet from the double bed in Mrs. Ruxton's room. This sheet proved to be of considerable importance. It was the lower sheet and there was no other sheet on the bed. It was submitted to Mr Barwick, an expert from the Testing House of the Manchester Chamber of Commerce, for examination, together with the portions of cotton sheet found with the remains at Moffat. He described them as being identical in every respect and specially in that a detailed microscopical examination revealed that a peculiar fault in the selvedge was common to both. He stated that the presence of such a fault implied that the two sheets must be the product not only of the same loom but of the same warp whilst on the loom, and he further explained that this would not be found in all the output of that loom, but that it was a temporary defect which would probably be rectified the next time a warp was put into it. The suit and carpets were obtained from Mrs. Hampshire and more carpets, and clothing belonging to Mrs. Ruxton and Mary Rogerson were taken over from the three charwomen.

Professor Glaister went to the house on 14th October, with Dr. F. W. Martin, and after examining the premises made suggestions in regard to certain laboratory investigations. He paid another visit on 22nd October, this time with Dr. Gilbert Millar, and arranged for the removal of a large number of articles and of parts of the house itself to the department of Forensic Medicine at Glasgow University for examination.\*

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\* Some of these are enumerated in Professor Glaister's Report in Appendix IV on p. 377.

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The evidence of the medical experts may now be considered and as the strength of the case presented by the Crown depended so largely on the identification of the bodies, this aspect of the medical evidence will be dealt with in some detail. In law it is not necessary that there should be a dead body in order that a charge of murder may be presented against some person or persons, but, as stated in Article 768 of Section 9 of Halsbury's *Laws of England* dealing with Criminal Law: "Where no body or part of a body has been found, which is proved to be that of the person alleged to have been killed, the accused person should not be convicted either of murder or manslaughter unless there is evidence either of the killing or of the death of the person alleged to have been killed. In the absence of such evidence there is no onus upon the prisoner to account for the disappearance or non-production of the person alleged to be killed." It is therefore manifest that Ruxton could not be convicted unless it could be proved beyond reasonable doubt that the bodies found at Moffat were those of Mrs. Ruxton and Mary Rogerson, the evidence in regard to Mary Rogerson being, as Mr. Justice Singleton pointed out to the jury, relevant in so far as it might assist in the identification of Mrs. Ruxton's body and assist in the inquiry as to whether or not she had been murdered by the prisoner.

The observations recorded in the various reports by the medical experts and the evidence elicited from them in the course of the trial were both complex and extensive. It may therefore be convenient for the purpose of this introduction to consider the data from a number of different aspects, in order that their significance may more readily be apprehended. Accordingly, this narrative will give an account of the method of reconstruction of the bodies; the number of bodies represented; their age, sex and approximate stature the manner of dismemberment and the nature of the mutilations; the injuries and the cause of death; observations bearing on the identity of the deceased persons, and other medical evidence in the case in a chronological sequence slightly

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altered from that in which they emerged as evidence, and with the related facts more closely marshalled than was possible when they were being elicited from a number of different witnesses.

The reconstruction of the bodies was undertaken by Professor Brash, and it is believed that this is the first occasion on which the services of a professional anatomist have been requisitioned by the Crown.\*

At an early stage it was recognized that the two heads presented striking differences in their general characters. They were accordingly designated "Head No. 1" and "Head No. 2," and taken as a basis for the assignment of other parts in the reconstruction of "Body No. 1" [Mary Rogerson] and "Body No. 2" [Mrs. Ruxton]. Attached to Head No. 1 were found to be four complete cervical vertebræ, first to fourth, and a small part of the fifth. [The vertebræ are the individual bones which form the vertebral column or spine, and the cervical vertebræ comprise that part of the spine which is included in the neck.] Attached to Head No. 2 there were found to be five cervical vertebræ, first to fifth. The upper or thoracic trunk portion of the remains had two cervical vertebræ, sixth and seventh, attached to it. As the normal number of cervical vertebræ is seven, there were thus grounds for assuming tentatively that this trunk portion might belong to Head No. 2. On arranging the two groups of vertebræ, Nos. 1 to 5 from Head No. 2 and 6 and 7 from the trunk, in their proper anatomical relationship, they appeared to fit together perfectly, so far as could be determined at this stage in the investigation, and this general correspondence between the parts was confirmed by X-ray examination. Thereafter, to facilitate further examination, the vertebræ were cleaned by maceration in order to display in detail the characteristics of the bones. When this was done, the general features of the vertebræ from the head and from the trunk were in every way consistent with their having formed a complete cervical

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\* Full details of this reconstruction will be found in Appendix V, p. 400.



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spine with the normal number of seven vertebræ. In the anatomical report by Professor Brash no fewer than fourteen reasons based on the anatomical examination are given for the conclusion that this part of the trunk must have belonged to Head No. 2, but it may suffice to mention here that there was complete anatomical correspondence between the two groups of vertebræ in size, structural peculiarities, and apparent age; there was an exact fit between opposing articular surfaces of the fifth (from head) and sixth (from trunk) vertebræ, with reciprocal contours on the parts in actual contact; certain soft parts had been severed in separating the head from the trunk and the remains of these on the fifth vertebra corresponded exactly with what was left of the same tissues on the sixth, and, finally, in the process of disarticulation, a small fragment of bone had been cut off from the lower edge of the fifth vertebra, and a small pyramidal piece of bone was found in a corresponding position in the soft tissues round the upper edge of the sixth vertebra attached to the trunk. This presented a cut surface facing upwards and on its removal this was found to fit exactly to the cut surface on the lower edge of the fifth so as to replace the missing fragment and make this part of the vertebra exactly similar to the corresponding intact portion on the opposite side. There could thus be no doubt that the thoracic part of the trunk was part of the same body as Head No. 2, but in order to complete the examination a similar procedure was adopted with the four cervical vertebræ attached to Head No. 1, when it was found that these could not have belonged to the trunk. These vertebræ were much smaller and of lighter construction than the vertebræ attached to the trunk and to Head No. 2. It was not possible to make a direct comparison by articulation with the vertebræ of the trunk, since the fifth vertebra was missing, but their size was not consistent with their being part of the same body. This was demonstrated conclusively by X-ray photographs of the seven cervical vertebræ made up from Head No. 2 and the trunk combined, and the six cervical vertebræ from Head No. 1

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and the trunk, with a gap between for the absent fifth. The first of these produced a true anatomical picture, whilst the second did not.

In a similar manner the lower or pelvic trunk portion was proved to be part of the same body as the upper or thoracic portion. The upper trunk portion had two lumbar vertebræ attached to it, and the lower portion consisted of three lumbar vertebræ and the complete skeleton of a pelvis. Taken together, these two trunk portions completed the proper number of five lumbar vertebræ. Separation had been effected by cutting through the disc of cartilage between the second and third lumbar vertebræ and disarticulating these vertebræ. When the parts were placed together these vertebræ, the second [upper portion] and third [lower portion] articulated perfectly and the complete series of five lumbar vertebræ thus produced appeared to form a proper anatomical sequence so far as could be determined without removal of the soft parts. Further, X-ray examination showed that the two vertebræ from the upper trunk portion and the three from the lower matched perfectly in all respects, including the finer anatomical details of shape, relative size, and texture of the bones, and that the joint surfaces corresponded precisely. The opinion that the two trunk portions belonged to the same body was confirmed conclusively by the fact that in this region also injury had been produced in separating the vertebræ. Two small portions had been broken off from the edges of articular surfaces, one from the lower part of the second and one from the upper part of the third vertebra. These were found attached to the opposite portions and when the vertebræ were put together as above mentioned the broken fragments could be seen in their proper positions on X-ray examination. After the bones had been cleaned, each fragment was found to fit exactly the corresponding broken surface of the opposite vertebra. In further confirmation it was found that there was a correspondence between certain soft parts of the two trunk portions. At this stage, therefore

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Head No. 2 and the two trunk portions were found to belong to the same body.

When the limb portions came to be examined, it was evident that two sets of limbs, each containing two upper limbs and two lower limbs, incomplete in certain respects, were present. [It may here be mentioned that fifteen limb portions were submitted to Professor Brash in the first instance, and that the actual total number of seventeen limb portions previously referred to was completed by the subsequent discovery of a left foot and a right forearm and hand.] The articulation of the upper limbs with the corresponding forearms at the elbows, and of the thighs and legs at the knee-joints was performed without difficulty, and it was clear that the limbs were correctly assembled. The right and left arms and the right and left legs were accordingly arranged in pairs. The upper limbs were also matched to the lower limbs on the strong probability that the limbs came from not more than two bodies. The correctness of this assignment of the assembled limbs to two sets was subsequently entirely confirmed by the evidence of X-ray and other examinations, and by measurements made for the determination of age and sex and the estimation of stature. These sets of limbs were manifestly different in length and were accordingly designated "shorter" and "longer" for convenience.

The next step was to try whether the thigh-bones of either set of lower limbs would fit the corresponding sockets for the hip-joints on the pelvis of the lower trunk portion. [The thigh-bone is the "femur"; its upper end which articulates with the hip is the "head" of the bone, and the corresponding socket in the hip-bone is the "acetabulum."] The right femora were first tried. The heads of the two pairs of femora were obviously of different size, the smaller heads belonging to the femora of the shorter set of limb bones. The smaller head was readily inserted into and withdrawn from the socket. The larger head, of the femur from the longer set of bones, could also be made to enter the socket, which it appeared to fit perfectly. This excluded the possibility that the femur

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of the shorter set of limb bones could belong to that hip-joint and trunk, but, as Professor Brash pointed out in his report, did not in itself prove, although it might be a very strong probability, that the femur of the longer set did so belong. It was still possible, though very improbable, that the trunk might belong to a third body of which the limbs were entirely missing. Accordingly, after suitable preparation of the parts round the acetabulum, a gelatine cast of the socket was prepared, which would, of course, correspond in dimensions and shape to the head of the femur which properly belonged to the joint. This was found, by accurate measurement, to be 44.3 millimetres in its greatest vertical diameter. Similar measurements of the diameters of the head of the longer right femur on each side of its vertical axis, which varies somewhat in its relation to the vertical axis of the acetabulum during movement of the joint, were found to vary from 44.3 to 45 millimetres. Having regard to the slight changes which would inevitably occur in the cartilage lining the acetabulum and covering the head of the femur as the result of exposure and subsequent fixation in formalin, Professor Brash was of opinion that the correspondence between these measurements, together with the fact that no diameter of the head of the shorter femur was less than 3 millimetres smaller than the diameter of the gelatine cast, made it certain that the femur of the longer set of limbs belonged to the reconstructed trunk. The head of the left femur of the longer set of limbs could be manipulated into the left acetabulum and also appeared to be a perfect fit. It was thus proved that the lower limbs of the longer set belonged to Body No. 2.

The upper trunk portion included the collar-bones and shoulder-blades, as already mentioned. The head of the humerus [arm bone] fits into a socket on the shoulder-blade to form the shoulder-joint, but this socket is much more shallow than the acetabulum of the hip-joint and in this case the wall of the joint is largely formed by overhanging portions of the shoulder-blade and by ligaments. It was

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thus more difficult to demonstrate a precise correspondence between the heads of the humeri and the sockets on the shoulder-blades than between the heads of the femora and the acetabula. Even so, it was obvious that the heads of the shorter humeri were too small to fit the corresponding sockets on the shoulder-blades, whilst the heads of the longer humeri appeared to fit properly. That they did in fact belong to the sockets on the trunk was proved conclusively by dissection of the ligaments, tendons, and certain other soft parts. In each case the divided ends of these structures on the shoulder-blades came into exact natural apposition with those on the humeri when the heads of the longer humeri were fitted into their corresponding sockets. The longer set of upper limbs were thus shown to belong to Body No. 2. The left foot discovered on 28th October, 1935, was found to fit exactly the left leg bones of this body. There was mutilation of the fingers of both hands, and of the toes of the left foot which, together with other mutilations of soft parts, will be referred to later. With the exception of these parts and of the right foot, Body No. 2 was complete, so far as the skeleton was concerned. After the assembly of Body No. 2 there remained Head No. 1 with four cervical vertebræ and a fragment of the fifth attached; a shorter set of right and left arms and hands [the right forearm and hand found on 4th November, 1935, fitted the right upper arm of this set]; and a shorter set of lower limbs complete. These various parts constituted Body No. 1. [See diagrams opp. pp. 368 and 369.]

Since the trunk, with shoulder-girdle and pelvis, was missing, there was no direct evidence that these parts all belonged to the same body. But they remained after the reconstruction of Body No. 2, and there was no evidence that the remains represented more than two bodies. The limbs formed a consistent shorter set, and the investigations dealing with the sex, age, and stature of the remains showed that all the features of this skull and the shorter limb bones were in every way consistent with their having been parts of the same body. All the bony parts were accounted for, with no dis-

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crepancies in the reconstructions, and examination of the soft parts which could not be allocated to either body revealed nothing to suggest that more than two bodies were represented.

When a preliminary survey of the remains was made, it was observed that only one pelvis was present and that there appeared to have been deliberate attempts to remove all sexual characteristics. At that time it was thought that one of the bodies was that of a man and a statement to this effect was published in the press. But it was clearly established by Professor Brash that both bodies were female, despite the fact that the pelvis, from which, even in the absence of sex organs, the sex of the individual can be determined with certainty, was missing from Body No. 1. The opinion as to the sex of this body was based on consideration of the soft parts attached to the skeleton and of the skeleton itself. What was left of the hair on the scalp suggested a woman; there was no sign of a male beard on the skin of the face; the rounded contours of the limb portions were those of a woman, and the larynx was unusually small, even for a woman. Further, amongst the separate portions of soft tissues in the remains there were three separate mutilated female breasts, and portions of female external sex organs from two individuals. These facts alone might be considered as proof that this body was female, bearing in mind that portions of two bodies only were represented, and that Body No. 2 was obviously female because female sex organs were present in the pelvis, but the characters of the skeleton placed it beyond doubt that Body No. 1 was also female. The general structure and proportions of the skull; the small size and slender build of the limb bones, and their dimensions and relative proportions as determined by actual measurement left no doubt that this was part of a female skeleton.

The sex of Body No. 2 was determined at once by the presence of a pelvis with a part of female sex organs attached, but there was confirmatory evidence, as in the case of Body No. 1, in the presence of female parts from two bodies amongst

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the soft tissues. There was no beard on a portion of skin on the right cheek, and the contours of certain limb portions were female.

In view of the original belief that one of the bodies was that of a man, it is perhaps of interest to note that the skull and limb bones of Body No. 2 were of a heavier build than those of Body No. 1, and that the skeleton in some respects tended towards the male type. From examination of the bones alone, in the absence of other evidence, it was only by expert consideration of their characters and measurements that it could be asserted that this skeleton was probably female.

The probable age of the bodies was estimated in each case by examination of X-ray photographs of the limb bones and skull; by examination of sections of the ends of certain bones and of the extent to which the skull bones had united. [Note.—In the case of a young subject evidence of growth, or of recent cessation of growth, may be found in that part of the ends of the long bones by which increase in length occurs—the epiphysis. In older persons the estimation of age between definite limits is more difficult because, once evidence of recent growth has disappeared, there is little alteration in the bones till later changes, associated with advancing years, begin to appear.] From such investigations the age of Body No. 1 was estimated as lying certainly between eighteen and twenty-five years, and probably between twenty-one and twenty-two years. The demonstration by X-rays of unerupted wisdom teeth in the jaws provided confirmatory evidence as, according to Dr. Hutchinson, the extent to which these were developed indicated an age of approximately twenty years. Mary Rogerson was actually twenty years of age. Body No. 2 was obviously that of an older person and the bones showed certain changes which occur in those of mature and advanced age. The conclusion arrived at was that the age in this case was certainly neither under thirty nor over sixty years, probably not over fifty, and that the most exact estimate possible was that it probably lay between thirty-five

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and forty-five years. Mrs. Ruxton was thirty-four years of age.

The probable stature of Body No. 1 was calculated by the use of various formulæ for the estimation of stature from the lengths of long bones, taking into account the fact that the body had been diagnosed as female. Since the trunk was missing, the estimation was based on formulæ alone and was therefore regarded as only approximately accurate. The living stature of Mary Rogerson was estimated as lying between 4 ft. 10 ins. and 4 ft. 11½ ins. Her actual height was stated to be about 5 ft. The probable living stature of Body No. 2, as similarly calculated from the long bones by formulæ, lay between 4 ft. 11¾ ins. and 5 ft. 1¼ ins. The actual measurement of this body when reconstructed was about 5 ft. 4¼ ins., corresponding to a living stature of about 5 ft 3 ins. Mrs. Ruxton's height was stated to be 5 ft. 5 ins.

Professor Glaister, who was the first of the medical experts to be examined, described the manner in which the bodies had been dismembered, and gave an account of the various injuries and mutilations, and his evidence was illustrated by frequent reference to photographic exhibits.\* In the case of Body No. 1 the head had been removed by cutting between the fourth and fifth cervical vertebræ. The arms had been disarticulated through the shoulders and elbows, and the legs through the hips and knee-joints. In every case the disarticulation was cleanly effected with the exception of superficial cuts on some of the joint surfaces. There was no evidence of the use of a saw in any part. The soft tissues of the right side of the skull had been removed over a large area together with most of the right ear, the whole of the left ear, the nose, lips, and both eyes, and much of the skin of the face. Some light brown hair remained where the scalp had not been removed. There was a small, lacerated Y-shaped wound on the crown of the head, and behind this an area where the skin had been sliced—which the Professor

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\* See Report in Appendix III, p. 360.



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suggested might represent an unsuccessful attempt to remove the wound. Beneath this wound there were two small fractures of the skull, only one of which involved the whole thickness of the bone. It was not possible to state whether the lacerated wound in the scalp and the fractures of the skull had been produced before or after death. The fractures were the result of two separate blows, and had they been inflicted during life it was unlikely that death would have resulted, but very probably they would have caused loss of consciousness. There was evidence of bruising on the left side of the lower jaw, beneath the left eye and on both upper arms. The bruises on the arms were subsequently proved, by microscopical examination, to have been produced during life. The others were doubtful. There were four vaccination marks on the left upper arm. There was a bruise at the root of the tongue on the right side, produced before death. Various teeth had been removed. The tonsils had a "craggy" appearance which is often the result of chronic inflammation and Dr. Millar's microscopical examination confirmed this opinion by the demonstration of definite evidence of old inflammation. There was extensive mutilation of the right forearm and hand, most of the soft tissues having been removed from the forearm and palm of the hand, whilst the base of the thumb was completely denuded of soft tissues. The blood vessels were empty and the tissues generally appeared to have been drained of blood within a short time after death. Whilst the ears, lips, eyes, and nose might have been removed with the object of concealing the cause of death had this been the result of asphyxia, in view of the absence of the trunk neither Professor Glaister nor the other witnesses felt justified in assigning a cause of death in the case of Body No. 1.

Body No. 2 had been decapitated by disarticulation between the fifth and sixth cervical vertebræ. The whole of the scalp had been removed, and all the skin of the face with the exception of a few tags on various parts. A few hairs of a light to medium brown colour were found adhering to the

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tissues on the right side of the head. The eyes, nose, lips, and ears had been removed. The tip of the tongue had been cut off and the remainder of the tongue was large and swollen and protruded beyond the margin of the teeth, most of which were missing, several having been recently extracted. There was a fracture of the right side of the hyoid bone [a small U-shaped bone situated in the upper part of the neck, just above the larynx and about the level of the floor of the mouth. Owing to its sheltered position it is rarely injured except by local violence, and a fracture is suggestive of strangulation]. In spite of the soft state of the brain, congestion of its vessels was recognizable. There were five stab wounds on the left side of the chest, and the heart, aorta, and left lung had been penetrated, but, from the absence of bleeding, these were considered to have been produced after death in the course of dismemberment. The lungs were congested and their surfaces were slightly roughened from small pin-point hæmorrhages beneath the covering pleura. As in the case of Body No. 1, the upper limbs had been disarticulated through the shoulders and elbows, but there was much more extensive removal of soft tissues, the bones of the upper arms and forearms being practically denuded of their flesh and skin. In addition, the ends of the thumbs and fingers of each hand had been removed by disarticulation through the last joints. Similarly, there had been almost complete removal of the soft tissues from the thighs and legs, which had been disarticulated through the hips and knees. The left foot had been disarticulated at the ankle-joint. The great toe had been disarticulated at the joint between the first and second bones, as had also the second and fourth toes, whilst the third and fifth toes had been severed by cutting through the first bone in each case. There was a deformity, verified by X-ray examination, in that portion of the remaining bone of the great toe which enters the joint with the rest of the foot, which had the characters usually found in a bunion. The right foot was missing with the exception of the talus, or ankle-bone, which remained attached to the lower leg.

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The pelvic portion of the trunk, as already recorded, was separated between the second and third lumbar vertebræ, and within it there was a portion of vagina, which conclusively proved the sex of this body. There were fractures of the left shoulder-blade, tenth rib on the right side, and lower end of the left femur, all of which appeared to have been produced after death. This body also appeared to have been drained of blood and dismembered within a short time after death had occurred. Having regard to the state of the lungs and tongue, the congestion of the brain and the fracture of the hyoid bone, the cause of death in Body No. 2 was considered to be asphyxia by throttling. It was perhaps also significant that the eyes, nose, lips, ears, and tips of the fingers, in all of which signs of asphyxia might be found, had been removed.

The various soft tissues were examined in detail, specially the three female breasts and the uterus, but it was not considered possible to assign these with accuracy to one or other body. There was nothing in any of them to suggest pregnancy. The time which had elapsed between death and the recovery of the remains was estimated as being from ten to fourteen days. The manner of dismemberment of both bodies by disarticulation through joints, in some instances complicated structures as in the spinal column, without the use of a saw and with no more than trivial damage to the separated parts, indicated a definite knowledge of anatomy and some skill in the use of a knife, in which opinion Professor Brash and Professor Sydney Smith concurred. Further, the removal of various parts which might throw light on the identity of the deceased persons or reveal the cause of death might also be considered as indicative of some degree of expert knowledge.

But perhaps the most interesting and certainly the most dramatic part of the medical evidence was that by which the identity of the bodies was established. At an early stage in the investigations it was clear that, whilst the dismemberment of the bodies was probably for the purpose of greater con-

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venience in the disposal of the remains, there was some definite purpose in the various other mutilations that had been effected. Why, for instance, should the legs of one body be denuded of skin and most of the soft tissues whilst those of the other were not? Why should the tips of the fingers and toes be removed from one, and not from the other? Why had so many teeth been extracted? In a general way it was recognized that these were probably, in part at least, attempts to conceal or remove distinguishing features. But the real purpose of the mutilations was not revealed till it became necessary to compare the characters of the remains with identifying features known to be present in the two missing women, Mary Rogerson and Mrs. Ruxton. When this was done it was found that most of the points by which identity might be established had been removed, but, in view of their selective nature, the cumulative effect of the mutilations may have constituted evidence almost as decisive as would have been the discovery of the distinguishing features themselves, and could not be explained on the basis of mere coincidence.

In their general characters of age and stature the conclusions of the medical experts corresponded closely to what was known of the missing women. Mary Rogerson was twenty years of age—the estimated age of Body No. 1, on general anatomical grounds, was between twenty-one and twenty-two years, and from the characters of the teeth, was approximately twenty years. She was about 5 ft. in height, and the estimated height, from the limbs alone, was between 4 ft. 10 ins. and 4 ft. 11½ ins. Mrs. Ruxton was thirty-four years old and the estimated age of Body No. 2 was between thirty-five and forty-five years. She was about 5 ft. 5 ins. in height—the estimated living height of Body No. 2 was about 5 ft. 3 ins. Considering now the various mutilations on the two bodies—Mary Rogerson had light brown hair—the hair remaining on Body No. 1 was light brown. She had a glide or cast in one eye—the eyes had been removed. She had four instead of the more usual three vaccination marks—the body had four vaccination marks on the left upper arm. She had

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a conspicuous birthmark on the upper part of the right forearm—the skin in this region had been removed. She had a scar on her right thumb—the base of this thumb was completely denuded of soft tissues. She had suffered from tonsillitis and the tonsils of the body showed evidence of old inflammation. She had an abdominal scar from an old operation for removal of the appendix, but, since the trunk was missing, no identification could be made by this. Teeth had been extracted corresponding to those which were known to be missing from Mary Rogerson—this and certain other evidence will be dealt with in conjunction with similar evidence in the case of Body No. 2. Finally, finger-prints corresponding with those from the left hand of Body No. 1 were found in many places in Dr. Ruxton's house and specially on articles in personal use by Mary Rogerson.

Mrs. Ruxton, it was stated, had hair of medium brown colour—Head No. 2 had been scalped but, as has already been recorded, a few light to medium brown hairs were found adhering to the tissues. She had a prominent nose—the nose had been removed from the body. She wore a denture and had rather prominent teeth—most of the teeth had been extracted. Her finger nails were bevelled—the tips of the thumbs and fingers had been removed. Her legs were almost the same thickness from the knees down to the ankles—most of the soft tissues of the legs had been removed, and it may be noted that this had not been done in the case of Body No. 1. Her toes were humped—the toes were missing from the one foot of this body which remained. She had a bunion on her left great toe—a portion of soft tissue corresponding to the site of a bunion had been cut away, but there was a deformity of the bone such as is usually found when a bunion is present.

Dr Hutchinson gave an account of his observations relative to the teeth in the two bodies.\* In each case it was clear that some teeth had been missing for a considerable time, as proved by the state of the sockets and related soft parts, whilst

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\* Appendix X, p. 434

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others had been recently extracted, either immediately before death had occurred or after death, which it was not possible to say. The sockets were completely open and their edges were sharp; they contained no clot and the gums had not contracted—conditions which indicated that if these extractions had been done during life it must have been no more than a short time before death occurred. The state of the sockets was in every instance confirmed by X-ray examination. A suitable instrument had been used for these extractions. [It may be noted that if, as appeared probable, the recent extractions were made with a view to concealing identity, the murderer must have overlooked, or been ignorant of the fact that the difference between old and recent extractions could readily be recognized.]

In the case of Skull No. 1 there were two recent extractions—the two central incisors of the upper jaw [upper left 1 and upper right 1—see diagram facing p. 434.] Older extractions were: upper jaw—right first premolar and first molar [4 and 6] and left first molar [6]. Lower jaw—right first and second molars [6 and 7], left second premolar and first and second molars [5, 6, and 7]—a total of eight old extractions. Mary Rogerson was proved to have had at least six teeth extracted in the past, of which four, the right lower first molar [6], left upper first molar [6], right upper first premolar and first molar [4 and 6] corresponded to sockets in Skull No. 1 from which teeth had been missing for some time. The third molars, or wisdom teeth, were unerupted and embedded in the jaws and their characters pointed to an age of approximately twenty years.

In Skull No. 2 all the teeth were missing, with the exception of three, the right lower third molar [8] and the roots of the second premolar and third molar in the left upper jaw [5 and 8]. Fourteen teeth had been recently extracted—right upper central and lateral incisors, canine, second premolar and second molar [1, 2, 3, 5, and 7], left upper central incisor and second molar [1 and 7], lower right central and lateral incisors and first premolar [1, 2, and 4], lower

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left central and lateral incisors, canine and first premolar [1, 2, 3, and 4]. The remainder of the teeth had been missing for some time—upper right first premolar and first and third molars [4, 6, and 8], upper left lateral incisor, canine, first premolar and first molar [2, 3, 4, and 6], lower right canine, second premolar and first and second molars [3, 5, 6, and 7], lower left second premolar, first, second, and third molars [5, 6, 7, and 8]. Mrs. Ruxton was known to have worn a denture of three teeth, the left upper lateral incisor, canine, and first premolar [2, 3, and 4], and to have had the right lower canine [3] extracted. These correspond to some of the old extractions in Skull No. 2. In addition the denture was stated to have been attached to adjacent teeth by clasps; these would have been the left upper central incisor [1] which had been recently extracted, and the left upper second premolar [5], of which a stump only was left in the jaw of this skull. When this was examined in detail, it was found to present appearances which suggested that it had been recently ground down by a dental instrument. Dr. Hutchinson suggested that this might be consistent with a clasp for a denture having been attached to this tooth and that the tooth subsequently becoming decayed had broken off and had been ground down to remove a jagged edge. It was impossible, however, to say definitely whether a denture had been worn or not. The dental evidence was necessarily incomplete, owing to the lack of full records of the teeth which had been removed from the two women during life, but, so far as it went, it was consistent with conditions known to have existed in their mouths.

Professor Brash produced flexible casts made from the left foot of each body, and compared them, covered by a silk stocking, with shoes produced and proved to have belonged to Mary Rogerson and Mrs. Ruxton. The cast of the left foot of Body No. 1 was much too small for the left shoe of Mrs. Ruxton, but it fitted well the left shoe of Mary Rogerson, and the greatest transverse measurement of the foot exactly fitted the corresponding measurement of the

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shoe. This foot showed a moderate degree of "hallux valgus" [an incipient bunion] and the projecting part of the base of the great toe on the inner side of the foot fitted into a corresponding concavity in the shoe. The left foot of Body No. 2 could be forced into Mary Rogerson's shoe, but only because part of the toes had been removed. It fitted well, however, into Mrs. Ruxton's shoe, allowance being made for the shortness of the foot produced by the mutilations of the toes. In spite of this, the greatest transverse diameters of the foot and of the shoe corresponded closely, and the remaining deformity of the great toe, from which a bunion had been removed, corresponded to a concavity in the shoe. These casts, fitted into the corresponding shoes, were examined by the judge, who then handed them to the jury for their inspection. On this evidence Professor Brash expressed the opinion that Foot No. 1 could not possibly have belonged to Mrs. Ruxton. Similarly, Foot No. 2 could not possibly have belonged to Mary Rogerson. Foot No. 1 was of the same general form and size as the left foot of Mary Rogerson, as evidenced by her shoe, and Foot No. 2, on similar evidence, was of the same general form and size as the left foot of Mrs. Ruxton. At the same time, he pointed out that, however exact the relationship between the feet and the corresponding shoes might be, it constituted circumstantial evidence only, and could not be regarded as actual evidence of identity.

Professor Brash then described a method of investigation which is believed to be unique, so far as criminal trials are concerned, in which he compared photographs of the heads of Mary Rogerson and Mrs. Ruxton, enlarged to life size, with photographs of the skulls believed to be theirs.\* At this stage, however, Mr. Norman Birkett raised an objection as to the admissibility of this evidence, on the grounds that it was constructed evidence which was liable to error, and that it was impossible to obtain an exact life-size photograph. He submitted that in a charge of this kind such evidence

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\* Appendix VI, p. 418.



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should not be permitted. The Judge, however, after questioning Professor Brash as to whether this evidence would be of assistance in arriving at a conclusion, and receiving an answer in the affirmative, stated that he did not feel able to exclude the evidence.

Four enlarged photographs were available, "A" and "B" of Mrs. Ruxton; "C" and "D" of Mary Rogerson. "A" was a studio portrait, half-right profile, with clear details. The others were enlargements from small photographs and certain details were more or less obscured. "B" was left profile, "C" full-face, and "D" half-left profile and slightly tilted to the right. The enlargements were stated to be approximately of life size, and this was checked in a variety of highly ingenious ways. In photograph "A" Mrs. Ruxton was wearing a tiara. The actual tiara which had been worn in the photograph was measured and it was found that vertical measurements corresponded exactly with vertical measurements of the same parts in the photograph. Further, by taking the transverse measurements and the corresponding apparent measurements of the photograph, it was possible to calculate the extent to which the head was rotated in the photograph and, by the use of a protractor, later to place the skulls in an exactly similar position. In photograph "B" various facial measurements were found to correspond exactly with similar measurements in photograph "A." There was no such direct method available by which the size of photographs "C" and "D" could be checked, but the place where photograph "C" was originally taken was re-photographed with a measuring-stick in position, and from this the scale of the original photograph "C" was approximately determined. The original photograph was full-length and by means of this scale the approximate stature was calculated. This was found to correspond closely to the stature as calculated from the limb bones of Body No. 1, and the relation of apparent head size to stature also corresponded. So far, then, as could be determined, photograph "C" was approximately life-size. In photo-

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graph " D " the full vertical height of the head was the same as in photograph " C." The salient features of each of the photographs were then outlined in indian ink and these outlines were transferred to transparent tracing paper. The next step was to photograph each of the skulls, life-size, in the same position as the heads in each of the four photographs. For photograph " A " both skulls were set up in half-right profile at the exact angle determined by measurement of the tiara. For photograph " B " both were placed in left profile, for " C " full-face and for " D " in half-left profile and slightly tilted to the right. The exactness of these orientations was checked by placing the outlines of the corresponding portraits on the viewing screen of the camera. Outlines of the salient features in the skull photographs were made in indian ink and transferred to tracing paper. On each of the portrait and skull outlines two anatomical points were marked: (1) Nasion [root of the nose] and (2) Prosthion [lower margin of the upper jaw between the central incisor teeth]. These, of course, were exact in the skull outlines but necessarily approximate in the portrait outlines. The outlines of the skulls and portraits were superimposed by means of these marks. When this was done it was at once evident that the outlines of Skull No. 1 could not possibly fit the portraits of Mrs. Ruxton, and that the outlines of Skull No. 2 could not possibly fit the portraits of Mary Rogerson. [See illustrations facing p. 184.] The corresponding outlines of Skull No. 1 and of portraits " C " and " D " were drawn superimposed on the same sheets, and the corresponding outlines of Skull No. 2 and of portraits " A " and " B " were similarly drawn superimposed on the same sheets. For further comparison corresponding outlines of Skull No. 1 and photographs " A " and " B " were superimposed, and also corresponding outlines of Skull No. 2 and photographs " C " and " D." Finally, negative transparencies of the photographs of Skull No. 1 and Skull No. 2 were superimposed on positive transparencies of photographs " C " and " D," and " A " and " B " respectively. [For this purpose

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one of each pair of transparencies had to be a negative, otherwise the salient features in each would be obscured rather than emphasized.] The conclusions arrived at were, firstly, that Skull No. 1 could not possibly be the skull of Mrs. Ruxton, and that Skull No. 2 could not possibly be the skull of Mary Rogerson. But when Skull No. 1 was compared with the portraits of Mary Rogerson and Skull No. 2 with those of Mrs. Ruxton, a remarkable correspondence was revealed between features in the skulls and features in the portraits—the outline of the skull and of the face, the position and form of the orbit [eye socket], the size and outline of the nose, the position and size of the mouth and, in the case of Skull No. 2, correspondence between the teeth in the portrait of Mrs. Ruxton and the empty sockets in the skull. This correspondence, in the opinion of Professor Brash, was as close as he would have expected to obtain if given the skull and portraits of a known person to deal with in the same manner and, since there was no discrepancy which could not readily be explained by the inherent difficulties of the methods employed, he therefore arrived at the second conclusion—that Skull No. 1 *might* be the skull of Mary Rogerson, and that Skull No. 2 *might* be the skull of Mrs. Ruxton. Beyond that he was not prepared to go, in the absence of knowledge and experience of this method of comparing skulls with portraits. He was emphatically of opinion that these results, however striking the resemblance between the skulls and the portraits might appear, did not constitute evidence of identity, and should be considered as circumstantial evidence similar to that provided by the fitting of the casts and shoes. Whatever the value of this method of investigation in criminal cases may ultimately prove to be, there can be no doubt that the visible demonstration of similarities between the skulls and portraits produced a great impression on the jury, and it undoubtedly made clear what could only inadequately have been described in verbal evidence.

The remainder of the medical evidence with which it is

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proposed to deal here mainly concerns the examination of various articles and parts of the house at 2 Dalton Square for the presence of human blood and debris. This was undertaken by Professor Glaister, with the assistance of Dr. F. W. Martin and Dr. Gilbert Millar, and some conception of the immense amount of highly expert investigation which this involved may be obtained by reference to the Report in Appendix IV, p. 377. It will there be seen that a very large number of objects was examined; the characters and situation of various stains are described in detail, and the results of various methods of investigation are recorded.

Before proceeding to the consideration of this evidence, it may be helpful to the reader who is unfamiliar with such matters to explain briefly the meaning of the terms employed by the witnesses. In testing for the presence of blood various methods are available, but to prove conclusively that "human blood" is present it is necessary that it should be reasonably well preserved. By chemical and spectroscopic methods it is possible to recognize the presence of "blood," though these methods by themselves throw no light on the species of animal from which the blood has been derived. If, however, the characters of the cells or corpuscles can be recognized microscopically, it may be possible to go a step further and identify the blood as of "mammalian" type, the type to which, of course, human blood belongs. If then the precipitin or serological test is positive, it may be stated definitely that "human blood" is present. It is impossible, however, to state whether the blood is from a man or a woman, or, in the absence of other evidence, whether it is the result of a wound, a birth, or an abortion, or if it is of menstrual origin. On the other hand, a positive precipitin reaction, without other proof of the presence of blood, limits the observer to the statement that "human protein" is present. Such protein is most commonly the serum or fluid part of the blood, but it may be albuminous matter from any human tissue, or from various body fluids. It follows, therefore, that in the evidence and reports only stains and debris which gave a complete

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reaction are described as containing "human blood," whilst various others are mentioned as giving positive reactions for "blood" or for "human protein" respectively. Further, the presence of certain contaminating substances such as soap may cause the precipitin reaction to develop in an abnormal manner and thus vitiate the accuracy of the result, and where the presence of such a contaminant was suspected or the behaviour of the test was in any way atypical the results were discarded, and no conclusions were drawn from them. These observations give some indication of the limitations of the methods which are at present available, but they also demonstrate the meticulous care with which these investigations were conducted.

Professor Glaister gave an account of the examination of a large number of stains from various parts of the house at Dalton Square, on the carpets and stair pads, on the suit obtained from Mrs. Hampshire, and on many other articles. Some of these he dismissed as of no importance, but in others he found conclusive proof of the presence of human blood or human protein in considerable amount. In some instances the blood was spattered in the form of drops which appeared to have come from a small spouting artery. ["Inverted soda-water-bottle-shape" is a descriptive term used to describe the appearance of a drop of blood which has spurted from a vessel or which has fallen obliquely on to a surface. It refers to the shape of an old-fashioned soda-water bottle with a conical base and a narrow neck, and the direction of the movement of the blood is that towards which the narrow part of the drop points.] It was possible, he explained, that some of the stains—for example, the drops just mentioned—on the banisters and some of the stains in the bathroom, might have been produced by bleeding from an injured hand, but others did not admit of this explanation as the quantity of blood must have been considerable, and it occurred in situations with which a hand could not come in contact. It may here be mentioned that Dr. Shannon, Medical Officer at H.M. Prison at Strangeways, had examined the scars on Ruxton's

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hand on 22nd October, 1935, and gave evidence on the result of this examination. He expressed the view that the cuts must have been produced by a very sharp instrument with a cutting edge, and that they could have been produced by the blade of a knife being drawn through the closed hand. A tin-opener such as that described by Ruxton could have produced such injuries if used as a cutting instrument, but certainly could not have done so when used in the manner described to him by the prisoner. Whilst there would be a fair amount of bleeding from such an injury, this could, in his opinion, be readily controlled, specially by a medical man. Particular attention was paid to certain stains on the side of the bath and on the floor of a cupboard and elsewhere in the bathroom. In these situations the blood must have run down in considerable quantity to reach the various crevices in which it was found. Fibrin [clot] was present in some of these and it was probable that the blood had been either fluid or derived from a bleeding solid in contact with the surface concerned. It could not have come from a bloodstained cloth which had been used for mopping blood, as the clot would be entangled in the fabric, unless it had been in such a quantity as actually to drip from it.

Ruxton, it appeared, was in the habit of administering anæsthetics, specially for the extraction of teeth, and of performing minor operations in his ordinary clothes without an overall, and a number of witnesses gave evidence to this effect. Such procedures were put forward by the defence as an explanation of the presence of blood on the suit. Even if this were the case and occasional drops of blood did get on to his clothes on such occasions, it is inconceivable nowadays that a doctor would operate, or that his patients would tolerate his visiting them, when wearing a suit in such a state as that described by the witnesses, and, as Professor Glaister mentioned, it is difficult to see how blood from such sources could find its way on to the under surface of the turn-up of his trousers.

The carpets and stair-pads, Mr. Birkett submitted, were  
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stained with blood as the result of a miscarriage which Mrs. Ruxton had had in 1932. It was stated that she had fallen on the stairs and that this had caused her to miscarry. Leaving out of account the evidence of doctors and others who attended her at that time and who noticed no blood on the stairs or on the floor of the bedroom, or, in fact, anywhere except upon the bed where the miscarriage occurred, it is extremely improbable that a miscarriage resulting from a fall could at once cause such copious hæmorrhage as that which must have occurred to produce the amount of blood found on the stair carpets and pads and on the carpet from the landing. It also appears extremely improbable that blood in such quantity should not previously have been noticed. The witness, however, with scrupulous fairness did not wholly deny the remote possibility of such an occurrence, and also admitted that it was impossible, after a certain lapse of time, to be certain of the age of bloodstains. Professor Glaister, however, as the result of comparing the readiness with which blood could be extracted from the stains on the carpets with similar observations made on blood-soaked material which had been kept for varying times in his own laboratory, tended to the view that the stains were recent rather than old-standing. Similarly, Dr. Millar, who was concerned with the microscopic examination of fragments of fat and other human debris which were found in the drains leading from the bathroom which discharged into a common trap with the drain from the surgery, admitted that such debris might possibly be found more frequently in the drains of a doctor's house than elsewhere.

The only part of the evidence on the reconstruction of the bodies which was seriously challenged by the defence was the allocation of the left forearm and hand of Body No. 1 to that body. The reason for this will be obvious when the evidence is read, as it was from this hand that finger-prints were obtained corresponding to those found at Dalton Square. Further, there was considerable cross-examination, specially of Professor Glaister and Professor Sydney Smith, in regard

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to what Mr. Birkett considered to be the mark of a ring which was visible on the third finger in the photograph of that hand which was submitted to the witnesses for their opinion. [See illustration facing p. 192.] They, however, were unanimous in saying that no such mark had been present when the remains were first examined, and that a specific search had been made for the mark of a ring on any of the fingers as a possible aid to the identification of the body. Incidentally, Mrs. Rogerson mentioned that Mary occasionally wore a ring, though this had not been observed by Mrs. Oxley or Mrs. Smith.

The evidence of the medical witnesses remained undisputed except for cross-examination, and the only witness called by the defence was the prisoner himself. His examination occupied a large part of two days and it was frequently interrupted by hysterical outbursts and paroxysms of weeping. He protested his innocence throughout and denied emphatically that he had done any violence to his wife or Mary Rogerson on that Sunday morning. He knew nothing of what had happened to them after they left his house, and if they were dead he had had no part in causing their death. He gave his own version of the events which had preceded and followed their disappearance, and where this differed from the evidence given by the witnesses for the Crown he did not hesitate to say that they were not speaking the truth. His evidence is recorded in detail in the later part of the trial and, in view of what has already been said in this introduction, the reader will have no difficulty in following it.

Mr. Justice Singleton, in his charge to the jury, summed up the evidence in a masterly address which lasted for several hours.\* He reminded them that the prisoner must be given the benefit of any reasonable doubt that there might be in the case and he emphasized every point which could possibly be interpreted as being in his favour. Quoting an expression used by Mr. Birkett, he said: "If there is an avenue, let

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\* It was reported that the doors of the Court were locked, at the request of the judge, during his address to the jury. This was not the case.



## Introduction.

him walk down it to freedom," but he added, "If there is not, he cannot." On the other hand, he particularly directed their attention to the discrepancies between the statements of the prisoner and those of the witnesses; to the condition of the stair-pads and suit; to the attempts made by the prisoner to persuade witnesses to make statements which were untrue; to the absence of any communication from the missing women in the long interval which had elapsed since their disappearance, and to the fact that no medical witnesses had been called to refute the evidence of those who had appeared for the Crown. In his reference to the medical witnesses he spoke in the highest terms of the "distinguished body of evidence" which had been put before them, and stated that he had never seen expert witnesses more careful and more eager not to strain a point against an accused person. "No one could sit in this Court," he said, "and listen to the evidence of Professor Glaister, either in examination-in-chief or in cross-examination, without feeling that there is a man who is not only master of his profession, but who is scrupulously fair, and most anxious that his opinion, however strongly he may hold it, shall not be put unduly against the person on his trial: and the same applies to the others." He went on to say that he found it difficult to imagine greater care and greater skill being used than was used by these distinguished Professors of Edinburgh and Glasgow Universities in the putting together of these pieces, in their examination, and in arriving at their conclusions. Towards the close of his summing-up he exhibited the rompers and blouse to the jury and in doing so used these significant words: "If you are satisfied as to the identity of those remains, and if you are satisfied that those rompers were on one of the heads, does it not establish the case for the prosecution, as case was seldom established before on circumstantial evidence? They may have taken these things with them, said Mr. Birkett. Of course they may have taken some things with them if they went. Mary Rogerson might have taken the blouse with her. Her step-mother had not seen her

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wearing it as far as I know, but she might have done. What about those rompers? [Holding up rompers.] Is there an answer? You may have in many a case doubts of all kinds conjured up in your minds. Is there the slightest doubt about those rompers? You heard the evidence with regard to them. You heard how that knot was made. If Mrs. Ruxton and Mary Rogerson went away without the children, could they take those rompers? For what earthly purpose can you imagine they should take them? The identity of the blouse, too, and the patch under the arm put there by Mrs. Rogerson—are they not established? ” He then referred to the amazing coincidences, if they considered that they were coincidences, of a copy of the limited local edition of the *Sunday Graphic*, one of which had been proved to have been delivered at the prisoner’s house, being found with the bodies, and of the identical fault which existed in the portion of sheet found with the remains and in the single sheet left on Mrs. Ruxton’s bed. He concluded as he began by saying that if there was any doubt in the case the prisoner must have the benefit of that doubt, but if there was none their verdict must be equally clear and justice must be carried out.

The jury returned a verdict of “ Guilty ” and, at the close of a trial which had lasted for eleven days, Dr. Buck Ruxton was sentenced to death.

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### ADDENDUM.

“ But what was Cyclops doing here? Had the medical men recommended northern air, or how? I collected, from such explanations as he volunteered, that he had an interest at stake in some suit-at-law now pending at Lancaster.”\*

The discovery of a cyclops eye amongst the remains found at Moffat introduced a most unusual feature into the case,

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\* From “The English Mail-Coach,” Section II, The Vision of Sudden Death, by Thomas De Quincey.

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and although there was considerable cross-examination of a number of witnesses in regard to it, no definite conclusion was reached. Mr. Justice Singleton, in his summing-up, appeared rather to consider that it was an accidental finding without significance in the case. At the same time there may be some interest in considering briefly what implications might have arisen from this discovery. Cyclopia is a peculiar form of maldevelopment, extremely rare in man but occurring somewhat more frequently in the pig, in which the two eyes are more or less fused together and appear as a single eye in the middle of the forehead. It is invariably accompanied by other malformations, and such "monsters," fortunately, do not survive for more than a few hours, at most. The name, of course, is derived from the resemblance to the mythical race of one-eyed giants, the Cyclopes, who forged thunderbolts for Zeus. It was not possible, from the eye alone, to say whether it was of human or of animal origin. One of the witnesses, Professor Brash, stated in the course of his evidence that the preservation of the eye was different from that of the other remains, but the point was not taken any further. Had this been done, the witness might have pointed out that the preservation was, in fact, *better* than that of the other soft tissues, and that the eye presented all the appearances of a museum preparation, not only in regard to its better preservation but also because the double optic nerve had been cleanly cut across in a manner which could not have occurred if this had been an animal eye from which the other tissues had rotted, or been eaten away by rats. From this a curious possibility arises. Ruxton was known to have been interested in ophthalmology at one time and, could it have been shown that he had possessed such a specimen and that it was no longer in his house, it might have formed yet another link between the bodies at Moffat and Dalton Square. In such circumstances it might have been suggested that Ruxton, in desperation to prevent the remains from declaring themselves, and being obviously unable to purchase formalin in any quantity at such a time, had sprinkled the

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preservative from a specimen on to the remains and had accidentally discarded the specimen itself. On the other hand, could it have been proved that the eye was human and had its preservation been less perfect, it is conceivable that the defence might have suggested that this was the product of a monstrous birth to Mary Rogerson and that she had been killed as the result of an illegal operation by an abortionist, who, to conceal his crime, had then murdered Mrs. Ruxton.

## Leading Dates in the Dr. Buck Ruxton Trial.

1899.	Birth of Bukhtyar Rustomji Ratanji Hakim, or Buck Hakim, or Buck Ruxton
3rd March, 1901	Birth of Isabella Kerr.
1919.	Marriage of Isabella Kerr and Van Ess.
1927.	Mrs Van Ess meets Dr. Buck Ruxton then known as Captain Hakim, in Edinburgh
1928.	Mrs Van Ess gives up work in Edinburgh and goes to live with Dr. Ruxton in London.
1928-29.	Visits of Mrs Van Ess, now called Mrs. Ruxton, between London and Edinburgh.
1930.	Dr. Ruxton settles at 2 Dalton Square, Lancaster, with Mrs. Ruxton and one child.
1932.	Mrs. Ruxton has a miscarriage
1932.	Mrs. Ruxton's alleged attempted suicide.
1934.	Mrs Ruxton leaves Dr. Ruxton and goes to stay with her sister, Mrs. Nelson, in Edinburgh, but is persuaded by the doctor to return to Lancaster.
7th September, 1935.	Mrs. Ruxton goes to Edinburgh with the Edmondsons.
14th September.	Mrs Ruxton goes to Blackpool in Dr. Ruxton's Hillman Minx motor car.
11.30 p.m	Mrs. Ruxton leaves Blackpool by car for Lancaster.
Night of 14-15th Sept	Mrs Ruxton and Mary Rogerson murdered at 2 Dalton Square, probably shortly after midnight.
15th September.	
6 30 a.m.	Ruxton calls at Mrs. Oxley's.
10 a m.	Ruxton explains to Mrs. Hindson that he has hurt his hand.
10 30 a.m.	Ruxton buys two 2-gallon tins of petrol and fills tank of car.
11 45 a.m.	Ruxton takes his children to the Andersons'.
7 p m.	Ruxton returns to 2 Dalton Square with Mrs. Anderson and the children, leaving message at Rogersons' house on the way. He gives carpets and blue suit to the Hampshires. On way back to Andersons' Ruxton buys cotton wool and disinfectant.
11 p.m.	Ruxton returns to 2 Dalton Square.

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1935.

16th September.

7 10 a m.

Mrs. Oxley goes to 2 Dalton Square, but cannot get into the house

9 a.m

Ruxton calls on the Hampshires about the suit and asks Mrs Hampshire to come to 2 Dalton Square later in the day

9.20 a.m.

Ruxton returns to his house and finds Mrs Oxley waiting outside

9.20 a.m -12 noon.

Certain doors found to be locked and burned material found in the yard

11 a.m.-12 noon.

Ruxton takes Hillman car to garage for overhaul and hires an Austin 12 h p.

12.30 p.m

Mrs Hampshire arrives and finds nothing to do in the house

3 p.m.

Dustmen empty bin and remove further burned material from the yard.

9 30-11 p.m.

Ruxton at Andersons'; Anderson sees gash on the doctor's hand.

17th September.

12 noon (?)

Ruxton speaks to Miss Holmes about decorations in house

12.35 p.m.

Ruxton involved in collision with cyclist at Kendal.

1 p m.

Ruxton stopped by police at Milnthorpe

2 p.m.

Mrs. Smith arrives at 2 Dalton Square Ruxton comes in shortly after and tells her to strip paper from the walls of the staircase.

3 p m.

Mrs Curwen arrives at 2 Dalton Square and finds blood-stained blanket in yard.

7.45 p m

Ruxton asks for a large fire in the waiting-room as he is going to stay up all night

8 p.m. and  
12 midnight

Reflection of fire in yard.

18th September.

Afternoon.

Mrs. Smith finishes stripping walls. Blood-stained curtains seen by her and portion with stains on it burned by Dr Ruxton.

6 p.m.

Ruxton returns hired Austin and collects Hillman Minx.

Evening.

Ruxton at Andersons' where he sleeps until 1 a m.

19th September.

7 10 a m.

Mrs Oxley arrives at 2 Dalton Square and the doctor asks for early breakfast.

7.30 a.m

Ruxton shuts kitchen door and makes several journeys up and down stairs and leaves house about 8 a m

8.30 a m.

Mrs. Curwen arrives.

8.30 a.m.-3 p.m

Smell noticed in the house and previously locked doors found unlocked.

3 p.m.

Mrs. Hampshire arrives and the doctor questions her about the suit.

8.30-11 p.m.

Fires seen in Ruxton's backyard.

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# Leading Dates.

1935.

20th September.	Mrs. Curwen buys eau-de-Cologne and spray and Ruxton sprays house.
29th September.	Remains found at Gardenholme Linn, Moffat.
1st October.	Rogersons inform police that Mary Rogerson has been missing for some time
7th October	Mrs Nelson receives letter from Ruxton about his wife's absence.
9th October.	Mrs Nelson receives further letter from Ruxton Clothes belonging to Mrs Ruxton and Mary Rogerson given to charwomen by Ruxton. Ruxton sees Mrs Nelson in Edinburgh at Mrs. Trench's house Description of Mary Rogerson is circulated by police
10th October.	Description of Mrs. Ruxton given to police by Dr Ruxton
12th October	Ruxton asks various witnesses to make false declarations on his behalf.
9 30 p m	Ruxton requested to call at police station.
12-13th October	Ruxton at police station overnight.
7.20 a.m.	Is charged with the murder of Mary Rogerson and arrested.
13th October- 5th November.	Further investigations by police at Dalton Square and elsewhere.
5th November.	Ruxton charged with the murder of Mrs. Ruxton
26th-29th November and 3rd, 4th, 5th, 6th, 10th, 11th, 12th, and 15th December	Police Court proceedings at Lancaster.
2nd March, 1936.	First day of trial at Manchester Assizes.
13th March.	Buck Ruxton convicted and sentenced to death.
27th April.	Ruxton's appeal dismissed.
12th May.	Execution of Buck Ruxton at Strangeways Prison, Manchester.





# THE TRIAL

WITHIN THE

HIGH COURT OF JUSTICE,  
MANCHESTER WINTER ASSIZES,  
MONDAY, 2ND MARCH, 1936.

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*Judge—*

MR. JUSTICE SINGLETON.

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*Counsel for the Crown—*

Mr. J. C. JACKSON, K.C.

Mr. MAXWELL FYFE, K.C.

Mr. HARTLEY SHAWCROSS.

(Instructed by the Director of Public Prosecutions).

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*Counsel for the Prisoner—*

Mr. NORMAN BIRKETT, K.C.

Mr. PHILIP KERSHAW, K.C.

(Instructed by Mr. EDWIN SLINGER, Solicitor, Lancaster).



## First Day—Monday, 2nd March, 1936.

The CLERK OF ASSIZE—Buck Ruxton, you are indicted and the charge against you is murder in that on a day between the 14th and 29th days of September, 1935, at Lancaster, you murdered Isabella Ruxton. How say you, Buck Ruxton, are you guilty or not guilty?

The PRISONER—I plead not guilty.

A jury was empanelled and sworn

The CLERK OF ASSIZE—Members of the jury, the prisoner at the bar, Buck Ruxton, is indicted and the charge against him is murder in that on a day between the 14th and 29th days of September, 1935, at Lancaster, he murdered Isabella Ruxton. Upon this indictment he has been arraigned: upon his arraignment he has pleaded that he is not guilty and has put himself upon his country, which country you are. It is for you to inquire whether he be guilty or not and to hearken to the evidence.

### Opening Speech for the Crown.

Mr. JACKSON—May it please your lordship, members of the jury—on 14th September, 1935, there were living at 2 Dalton Square, Lancaster, Dr. and Mrs. Ruxton, their three children, and a servant girl, Mary Rogerson, who assisted also in the household work. Mrs. Ruxton was last seen alive late on the evening of the 14th, and Mary Rogerson was alive in the doctor's house also on that date. Since then nothing was known about them, except for statements made by the prisoner, until 29th September, when some people staying at Moffat went to a bridge at Gardenholme Linn on the main road from Moffat to Edinburgh and saw, on looking over the bridge into the deep ravine down which runs a river emptying itself into the River Annan, what looked like a human leg. The Scottish police were called and found in that ravine portions of two bodies wrapped in parcels. Parts of the flesh were missing, but the scientists who have been called for the prosecution were definitely able to come to the conclusion that they formed parts of the bodies of two females. The bodies had been horribly mutilated, and had been dismembered and the joints neatly cut through. The suggestion of the prosecution is that this disfigurement and dismemberment were done, first, for the purpose of convenience in conveying the bodies from Lancaster to Moffat, and, second, to destroy any signs which might lead to their identification. It is suggested that both women died a

# Buck Ruxton.

Mr Jackson

violent death and that the dismemberment was carried out by somebody with medical knowledge and surgical skill. I would remind you that the prisoner is a Bachelor of both Medicine and Surgery

I shall now tell you in a few words about the household. Mary Rogerson was 20 years old, had been a maid to the Ruxtons for several years, and was devoted to the children. She was on very good terms with her stepmother and father who lived in Morecambe, and practically every day or half-day that she got off she went home to her parents. Mrs. Ruxton was 34 years old and some eight years ago was manageress in an Edinburgh café. She had married a Dutchman called Van Ess, but only lived with him for a few weeks. In 1928, Dr. Ruxton, or, as he was then, Gabriel Hakim, came to Edinburgh from India to study medicine, and met Mrs. Ruxton and became very friendly with her. He went shortly after to London where Mrs. Ruxton, or, as she was then, Isabella Kerr, joined him. In 1930 the prisoner appeared under the name of Ruxton at Lancaster where he had purchased a practice, and brought Mrs. Ruxton and a child with him. At that time no doubt they were very much infatuated with each other, but later there was much quarrelling and discord in that house at 2 Dalton Square. Various witnesses will be called to prove that the prisoner was a man of violent temper and that he inflicted violence on Mrs. Ruxton on several occasions, whilst on one occasion when Mrs. Ruxton left with all her clothes he said "She will not come back alive; I will bring her back to the mortuary," which is tantamount to a threat of violence and probably of murder. They will tell of times when the doctor was seen with his hands on Mrs. Ruxton's throat—and it is a significant fact that the cause of the death of Mrs. Ruxton was strangulation—and of threats with knives, of obscene abuse, and other disruptions in that household. On 6th April, 1934, Mrs. Ruxton went to the police station. and from what she told the detective-sergeant it was necessary for him to go across to the Ruxtons' house. The police officer invited the doctor to come over to the police station, which he did, and when he saw his wife there he went into a violent temper, accused her of being unfaithful, and said that he would be justified in murdering her. The next day she again went to the police station and made a statement, after which the prisoner also arrived and again flew into a violent temper despite all efforts to placate him. On each occasion of his two visits to the police station he used threats of murder. In May, 1935, in answer to a telephone message, a police officer called at the prisoner's house, and on arrival found the doctor in a very excited state. He was behaving like a madman and said that he felt like murdering two persons in Dalton Square. He mentioned that his wife was going out to meet a man, and you will probably come to the conclusion that he was frightfully jealous with regard to his wife and any man

# Opening Speech for the Crown.

Mr Jackson

she met, danced with, or spoke to. At this time he mentioned the name of Mr. Edmondson as one of whom he was jealous, without, I submit, any justification whatever. There is no justification for murder, and the prosecution does not need to prove any motive, but I shall ask you to bear in mind the evidence of this jealousy of disposition, and would suggest that the motive is clearly indicated and apparent in this case and that it followed on the great and foolish jealousy of the prisoner. Mr. Edmondson is a young solicitor employed in the town-clerk's department in Lancaster. He knew both Mr and Mrs. Ruxton and they in turn knew his parents. They were friends, but that is all, and there has never been the slightest intimacy between this young man and Mrs. Ruxton as alleged by the prisoner. Undoubtedly, the prisoner with that jealous mind of his had come to the conclusion that there was something between these two, he had taken every little thing and magnified it to such proportion that he had convinced himself that his wife was unfaithful.

On Friday, 6th September, Mrs. Ruxton called at the Edmondsons' house and arranged to go to Edinburgh the next day. A party was made up of Mrs. Ruxton, Mrs. and Miss Edmondson in the doctor's car, and young Edmondson and his father in Edmondson's car, and they went to Edinburgh where they stayed at the Adelphi Hotel and returned the next day. Mr. Edmondson and Mrs. Ruxton each occupied separate rooms. It was a most innocent expedition and one which no reasonably minded man could possibly have objected to; but Dr. Ruxton, with his jealous mind, knowing that they were going away, hired a strange car and followed the party to Edinburgh. It may well be that that trip to Edinburgh was one of the culminating points in his jealousy which led very shortly to the death of Mrs. Ruxton.

On the following week-end, Saturday, 14th September, Mrs. Ruxton drove her husband's Hillman Minx car over to Blackpool in the early evening to visit her two sisters, Mrs. Nelson and Mrs. Madden, who were staying there to see the illuminations. She had a light meal with them and then left at 11.30 p.m. to drive back to Lancaster, a distance of 25 miles. She was never seen alive by anyone again except by the prisoner. Undoubtedly she arrived home because the car was there next morning. Mary Rogerson was at home at 2 Dalton Square on that Saturday, 14th September. The children were in the house and had some friends in for tea with them. A Mrs. Jackson called for her two children at 7.30 p.m. and Mary was there, alive and happy; that is the last time she was seen alive in the prisoner's house.

Now, it does not need much imagination to suggest what probably happened in that house. It is very possible that Mary Rogerson was a witness to the murder of Mrs. Ruxton, and that that is why she met her death. In that house the bedrooms are on

# Buck Ruxton.

Mr Jackson

the top floor; the back bedroom was occupied by Mary Rogerson, in one in the front slept Mrs. Ruxton with her three children, and on the same floor was also the doctor's room. You will hear that Mrs. Ruxton had received before her death violent blows in the face and that she was strangled. The suggestion of the prosecution is that her death and that of the girl Mary took place outside these rooms on the landing at the top of the staircase, outside the maid's bedroom, because from that point down the staircase right into the bathroom there are trails of enormous quantities of blood. I suggest that when she went up to bed a violent quarrel took place; that he strangled his wife, and that Mary Rogerson caught him in the act and so had to die also. Mary's skull was fractured. she had some blows on the top of her head which would render her unconscious, and then was killed by some other means, probably a knife, because of all the blood that was found down these stairs.

At that time Mary Rogerson was the only servant that slept in the house. There were three charwomen who came, Mrs. Oxley, Mrs. Smith, and Mrs. Curwen, every morning including Sunday, four days in the week in the afternoons, and each day respectively. Now if, as the prosecution submits, that house was all saturated with blood down the stairs, carpets, banisters, bath, and in fact everywhere, then the last person that the prisoner would wish to come on that Sunday morning would be Mrs. Oxley who would, in the normal course of events, arrive at 7 a.m., and who knew that the house on the day before had been left in a clean condition. Just see what happens. At the very early hour of 6.30 in the morning the doctor calls at the Oxleys' house and asks Mr. Oxley to tell his wife not to come that day. What is his position? He has on his hands two bodies that must be got rid of, and they must be got rid of so that they cannot be traced to Lancaster, and if possible be unrecognizable and unidentifiable; he has to get rid of the bloodstains in that house; he has to allay the suspicions of the relatives of both the victims; and he has to cut up and dismember the bodies so that they may be carried the more easily and run less risk of identification.

On that Sunday morning, after he had called at the Oxleys, the paper girl delivered the papers, amongst which was the *Sunday Pictorial*, and got no reply. On coming back again and ringing, after some time the doctor opened the door, although previously it had always been either the charwoman or the maid who did this. He told her that his wife was away in Scotland, and had taken the maid with her. The prisoner had the house to himself, and it is suggested that he spent that Sunday morning, both before and after calling at the Oxleys, in cutting up and dismembering those bodies and removing all traces of identification, and draining them so that they would not leave trails of

# Buck Ruxton.

Mr Jackson

wife had gone to Scotland and had left him alone with only the little maid to assist him in taking up the carpets for the decorators. You will remember that he already had said that the maid was away with his wife, and now he says she is with him in the house.

The next thing he would have to do with blood all over his house is to get rid of his children, and at 11.30 that morning he takes them to a Mr. and Mrs. Anderson at Morecambe and asks Mrs. Anderson if she will look after them for the day. She noticed his hand, and this time he says that he has cut it with a tin opener—not jammed it. At four o'clock that day, requiring assistance in tearing down the paper from the walls and washing the stairs, he called on a patient of his, a Mrs. Hampshire, who had never worked in his house for him at all and knew nothing about the domestic arrangements of his house, and told her that he had taken up the carpets because the decorators were coming the next day to do the stairs. You will hear that he had made no arrangements with the decorators to come in at all on that Monday morning. Why also should he not call in one of his usual charwomen, who knew the house, when he had three to choose from? Why also was he taking up the carpets right down the staircase in the early hours of a Sunday morning? He explained to Mrs. Hampshire that his wife had gone to Blackpool, not on holiday to Scotland, as he had previously reported.

Mrs. Hampshire went with the prisoner to his house in his car and found all the staircase from the hall up the stairs was littered with straw. Probably you will think that a most peculiar thing in the house of a doctor, and you will hear that straw was used for packing various portions of those bodies found at Moffat. The bathroom was in a very dirty condition, and the inside of the bath had a yellowish tint—exactly the condition you would find if there had been a quantity of blood allowed to stay some little time in a bath and then an attempt to wash it out and not a very thorough scouring, and certainly not what you would expect to find in the house of a doctor who takes a bath every morning and has a wife, a servant girl, and three charwomen to assist him. Mrs. Hampshire remarked on it. The women who were there daily will tell you that that bath was kept clean. The backyard of this house is encircled by buildings, one of them being a cinema, and is not easily overlooked. In that yard Mrs. Hampshire saw a lot of carpets, a shirt, and a number of towels. They were all partly burned and had blood on them. I submit to you that you would not get these articles bloodstained by a man with a cut hand, let alone a doctor who could immediately dress his own hand or could ask a friend to do it. Mrs. Hampshire went into the kitchen and found no tin, open or unopened, of peaches. She washed the bathroom floor and the lavatory and the

# Opening Speech for the Crown.

Mr Jackson

linoleum there, which was stained and appeared as if the stain had been roughly wiped. The oilcloth was stained with blood. She also noticed that the two bedroom doors on the top landing were locked. The case for the prosecution is that these were locked to prevent her and anyone else from going into them. The keys were not there, and on any previous occasion when these doors were locked the keys had never been taken away. These doors were locked until such time, in my submission, as when the bodies were carried away in wrapped portions, some to Moffat and some elsewhere.

Dr. Ruxton arranged for his children to stay with the Andersons that night and went back to his house to get some of their night clothes. He would not allow Mrs. Hampshire to go upstairs to collect these for him, and it was then that she saw in the waiting room some carpets and a blue suit. That blue suit was stained and the prisoner remarked that he had been wearing it that morning when he had cut his hand, and told her she could take it away and also the carpets. Mrs. Hampshire and her husband, who had been summoned to help her, left the house at 9.30 p.m. and turned out all the lights. They took the carpets and the blue suit home with them and found that the stains were blood, and that the carpets were still damp with it. Dr. Ruxton took Mrs. Anderson and the children back to Mrs. Anderson's house after he had collected their night clothes, and on the way back he stopped his car and asked Mrs. Anderson if she would go into a chemist's shop and buy two pounds of cotton wool—a strange request, unless it were to hide any trace of him having purchased any cotton wool himself. You may well wonder why he should want that amount of cotton wool late on a Sunday night at Morecambe. If he had murdered two women, and was cutting up these two women, then cotton wool would be extremely useful in cleaning up the blood that would be splashed about the place, and, as you will hear, when those bodies were found at Moffat amongst the packing in which they had been carried was cotton wool. Therefore, you have now the straw and the cotton wool in his house and found also amongst the bodies, and the latter were wrapped in a *Sunday Graphic* similar to that delivered at Dalton Square that morning.

At 9.30 that night he left the Andersons' house in his car. From that time no one can give any assistance as to where he was. Moffat, where the bodies were found, is 100 miles exactly from the prisoner's house. He had a Hillman Minx and the journey can be done in  $2\frac{3}{4}$  hours by day with an extra half-hour at night. The case here is that the bodies at this time were lying at 2 Dalton Square, either to be parcelled up or already parcelled, and the house had been left by the Hampshires with the lights out. Undoubtedly he returned to Dalton Square, but we do not



# Buck Ruxton.

Mr Jackson

know how long he remained there. Mrs. Oxley came to her work the next morning at 7.10 a.m., but could get no reply and remained there trying to get in for half an hour; the postman also called with the letters but got no reply. What reason was there for that silence except that there was no one in the house? The prisoner had left at 9.30 at night and was not back at 7.40 the next morning. Had he gone to Moffat with these bodies or with portions of these bodies? At 9 a.m. Dr. Ruxton called at the Hampshires' house, dressed in flannel trousers, a dirty old raincoat, and unshaven. I submit that he was coming away from the north. Could it not have flashed across his mind on that grim drive home that he had given Mrs. Hampshire bloodstained carpets and a bloodstained suit which would have the maker's name attached to it, and had thus made an awful mistake? What did he do on his arrival at their house? Instead of knocking he walked straight into the house, and you will hear that he looked dreadful, tired and ill. If he had been up to Moffat, that long journey, and with the anxiety of being up all night before, as I suggest, after the murder when he was cutting up these bodies, he might well look tired and ill. On being questioned about his appearance he said that he had been up all night with the pain in his hand, but if this was true he could hardly have missed Mrs. Oxley knocking at his door in the morning. He then asked Mrs. Hampshire if she had taken the carpets and suit, and she showed the latter to him. He picked it up and remarked on its dirty condition and said that he would take it back and get it cleaned. He was most anxious to get it back into his possession. She would not part with the suit, and then he asked her to cut off the tab in the pocket with his name on it, and when she had done so bade her throw it on the fire. Twice he told her to burn it, and he stayed until it was completely burned. Surely a strange procedure for a man who had just given away a suit the night before. After he had gone, Mrs. Hampshire's suspicions must have been aroused, because she went and examined the carpets and the suit and found that they were soaked in blood, so much so that the carpet when swilled with 30 buckets of water drained off water that was red like blood.

Mrs. Oxley having got no reply at 7.40 went again to the house at 9.15, and the prisoner came up in his car on his return from his visit to Mrs. Hampshire. He opened the door for Mrs. Oxley and she went into the house. She found the electric light on in the hall. You will remember that the Hampshires had turned it out before leaving the night before. Surely that suggests that the doctor had been back to the house after he had left the Andersons and had left the light on in his hurry when he was taking away the bodies. The letters were delivered at 7 a.m.

# Opening Speech for the Crown.

Mr Jackson

and when he let Mrs. Oxley in the letters were still in the letter box.

There had been no mention to Mrs Oxley of decorators coming in that day, and when she went in she found all the carpets up, and a number of them in the backyard, although it was raining heavily, and she also found a quantity of burned paper which was not there on the previous Saturday. In the lounge was a meal laid for two which had not been touched. It was obviously a meal for Dr. and Mrs. Ruxton, supper on the night when she was to have come home, 14th September. She also found the dining-room locked and the key missing.

Up to this time Dr. Ruxton was using a Hillman Minx, but on that day he called at the County garage with his car for overhauling although there was nothing wrong with it. He asked them to lend him a second-hand car, and when shown one said that it was not big enough. You may ask yourselves why it was not big enough: if he had parcels to carry away no doubt he wanted a car with more room. Before he left the garage the proprietor asked him about his hand and he replied that he had cut it opening a tin for the maid—was he suggesting that the maid was at home when he cut his hand? He went to another garage and there hired a fawn and brown Austin saloon car, number CP 8415, which he drove away.

Mrs. Hampshire came to the house on Tuesday, 17th September, about noon. The bedroom was still locked and the meal mentioned before still untouched. Dr. Ruxton came in at 1.30 and when asked by her why she should have come he gave her a very strange reply. He said "I sent for you because you give me courage." This is a peculiar remark for a man who has sent for a woman to do the cleaning at his house, to say that all he wants her there for is to give him courage. Mrs. Hampshire again suggested that he should send for his wife, and his reply was, "She is in London." When taxed with telling lies he said that she was right, he was lying, that his wife had left him and gone off with another man. Now, on the previous day, Monday, the 16th, there was a quantity of burned carpets, clothing, and rubbish, blood-stained, in the yard. The dustmen came in the afternoon and cleared them all away. Amongst the things that were taken away was part of a blue silk dress with glass buttons down the front. It was a dress worn by Mary Rogerson, and you may well ask why he should burn her clothing, unless he was desirous of getting rid of it to support his story of her going away. Another thing taken away was a hamper with straw in it, and oilcloth which had come from the bathroom. The dustman asked where Mrs. Ruxton was, and this time the prisoner said she was away touring in the car. About seven o'clock a patient came to see the doctor and to attend to the lavatory cistern—this may not be important, but what is

# Buck Ruxton.

Mr Jackson

important is that at a later date the doctor saw him and tried to persuade him that it was the Saturday night that he had come, about 10.30 p.m., and that Mary Rogerson was alive and well. He even told this patient to forget that he had ever been on the 16th, and you may wonder why he was telling people at this stage to tell lies when no bodies had been found.

On the Tuesday, 17th September, Mrs. Oxley arrived at 7.10 a.m., and the doctor had his breakfast and packed up some clothes for the children. At 9.30 he took these clothes along to the Andersons at Morecambe, took the two elder children to school, and drove the youngest away with him in his car. Later on he called at the house of a Mr. Holmes, a decorator, and asked Miss Holmes why her father had not come the previous day to do the staircase. He tried to persuade Mr. Holmes later on when he saw him that he was to have come on the Monday to decorate his house, although no such arrangement had in fact been made. If there had been, then there would have been some excuse for taking up the stair carpets, but no arrangements had been made. Now, on that Tuesday, the day he has the strange car, about one o'clock that afternoon, a man in Kendal was run down by a car which did not stop, and although unhurt his bicycle was smashed. It was the driver's duty to have stopped, but he did not, and the unfortunate man was able to get the number of the car and inform the police, who stopped this car, driven by Dr. Ruxton, at Milnthorpe. Was not the reason for not stopping that Dr. Ruxton was anxious that he should not be recognized? When asked why he had not stopped he refused to give any reason and appeared very agitated and anxious to get on. He said that he had been to Carlisle on business—much farther north than Kendal where the accident occurred. Afterwards he gave the explanation that he had gone to see a Mrs. Holme who lives at Seattle. You do not go through Kendal to go to Seattle, and Mrs. Holme will tell you that the doctor has been there frequently by car, that Mrs. Ruxton, Mary Rogerson, and the children have stayed there on holiday, but that he did not visit her on that day.

When he came back to Lancaster on that day, Mrs. Smith, one of the charwomen, came at two o'clock and the doctor asked her to strip the paper off the walls and landing. She went up to the top landing to do it, and the prisoner said that she was to leave that as he would do it himself—a strange thing to say when he had asked Mrs. Smith to do the work for him. When you realize the blood that was on that carpet on that landing, and other things on that landing, you will probably realize the reason why he wanted that to be left for himself to do. She noticed that the prisoner's bedroom door, the dining-room door, and the drawing-room door were all locked, and the stairs, the railings, the balustrade were all spotted with blood, and the carpet saturated

# Opening Speech for the Crown.

Mr Jackson

with blood, and the stair pads had blood on them. That night large fires were seen in his backyard going on for a considerable time from 7.45 at night. What had been destroyed before had been taken away, and now he was burning what could have been taken away when he had charwomen to do the work for him.

On the next day, the 18th, Mrs. Curwen called at 8.30 a.m. and found a lot of burned material in the yard, including some red and blue material similar to articles of clothing worn by Mary Rogerson. She also noticed cotton wool with blood on it. Mrs. Smith found smears of blood on the bathroom wall and also on some curtains on the top landing. The moment the prisoner saw the patches of blood on the curtains he ripped off the portions and took them away. That day Dr. Ruxton took the hired car back, collected his own, and left the children with the Andersons for the night before returning home to 2 Dalton Square. Again he spent that night alone in his house, with the doors locked. The next morning, when Mrs. Oxley came at 7.10 a.m. he asked her to prepare some breakfast for him as quickly as possible as he was going to see a specialist about his hand. After his breakfast he brought his car to the back door and went into the house, and as he passed the kitchen where Mrs. Oxley was, he shut that door, and the charwoman heard him going upstairs and down to his car several times. It is a matter entirely for you whether he was not engaged in removing the last of the remains. He left the house at 8 a.m., and it is a curious fact that the moment he left the house on that day the locked doors were open and anyone could enter. Mrs. Oxley on going to the doctor's bedroom noticed a foul smell, which would be bound to be present if the bodies or portions of the bodies had lain there from the early hours of Sunday morning. On leaving, he told her to put off any patients until the evening, so he evidently expected to be late in returning. He returned at 2.50, which gave him ample time to go to Moffat, or anywhere else up in the Lake District, and again fires are observed in his backyard. The next day he told Mrs. Curwen that he had been to Blackburn to see some premises that his wife had rented, and he told Mrs. Curwen to buy a scent spray and a bottle of eau de cologne to hide the smell which Dr. Ruxton described as "nasty and stuffy." He met Mr. Edmondson and was very friendly, never mentioning that he thought that Mr. Edmondson was responsible for his wife's absence, and, in fact, he told him that she was in London—another new story.

To pacify the Rogersons he told Mary's brother, when he called to find out where she was, that she and Mrs. Ruxton had gone away for a week or a fortnight on a tour, and asked him if he knew that Mary was going about with a laundry boy, to which her brother replied that he did not. He did not want the Rogersons

# Buck Ruxton.

Mr Jackson

to notify the police that their daughter was missing or ask them to make inquiries, and on 25th September he went to Mrs. Rogerson and asked her if she knew about the laundry boy and that Mary was pregnant. Mrs. Rogerson said she was not pregnant as far as she knew. He said that as a doctor he knew she was, and suggested that Mrs. Ruxton had taken her away in order that they might procure a miscarriage—which was a foul suggestion against that girl's character. In the evening he told the same thing to Mr. Rogerson who said that if Mary was not back by Saturday, whatever her condition, he would put the matter in the hands of the police. Dr. Ruxton said: "Don't go to the police; I will bring her back on Sunday." You see he was very anxious that they should not go to the police, and this suggestion of his was a fiendish and clever way of silencing the mouths of her parents. However, the father was stronger than that, and told him he wanted his daughter back whatever her condition.

On 29th September those bodies were found. The spot of location was a place two miles north of Moffat called Gardenholme Linn. It is a bridge on the main Moffat-Edinburgh road, the main Lancaster-Edinburgh road, and crosses over an extremely deep ravine at the bottom of which runs a stream which joins the River Annan about 500 yards below. It has fairly steep sides to it, and shortly before the stream reaches the River Annan it has a mesh across it to catch anything that is washed down. The condition of the stream alters considerably in accordance with the amount of rain water, and rises very quickly if there is a heavy fall of rain, so that it goes over its sides and up the slopes, and it subsides again very quickly. On 18th September there was a heavy fall of rain in that district which would cause the stream to become in spate on the 19th. Portions of these bodies had been washed down by the floods, and on the subsiding of the river these were found about 500 yards farther down; therefore it was about the 19th that the bodies were put there. When you remember what I told you about the *Sunday Graphic* of 15th September, you are coming down to a very close date. The bodies had been dismembered by some man of surgical skill. The prisoner is such a man. All the parts were not there, but there were sufficient portions of those two bodies for the eminent scientists that I am going to call before you to come to the conclusion that they were the bodies of two women. They have been able to piece those bodies together in a remarkable way. Mary Rogerson was a young woman of 20, small in stature, and stood just under 5 feet in height. One of the bodies was 4 feet 9½ inches to 4 feet 11 inches bare, that is without shoes or hair, and I suggest that would tally with the height of Mary Rogerson. The other was the body of a woman of 5 feet 4 inches bare, and that would tally with Mrs. Ruxton who was 5 feet 5 inches high.

# Opening Speech for the Crown.

Mr Jackson

There were certain peculiarities about both these women to which I wish to draw your attention, and if these marks were left after death, anyone would be able to identify these persons. Mary Rogerson had what is commonly called a glide in one eye; the eyes had been removed. She had had certain teeth drawn by a dentist, a fact which could have been identified by the dentist; more extractions had been made on the body, and these had been made about the time of her death. She had suffered from tonsillitis; this body shows that the person was so suffering. She had four vaccination marks on her left arm; a piece of skin was found with four vaccination marks which Mr. Rogerson says tallies with the marks on his daughter's left arm. She had a very bad birth-mark on her right arm, a very noticeable mark; the flesh on that forearm had been cut away. She had an operation on her thumb which left a scar going into the flesh; the hand with that thumb had been cut away. She had freckles on her face; the skin had been removed and a part of her nose. Although she had been scalped, there was some hair left which showed there was light brown hair which was the colour of Mary Rogerson's. Her fingers and nails were there on the hand that was left, the left hand, and showed that the person had been used to doing manual labour. She had had an operation for appendicitis; all that portion of her body has never been found. A cast was taken of the foot of this body and that cast exactly fits Mary Rogerson's shoes. From the hand that was left, the left hand, they have been able to take fingerprints. All over the prisoner's house there were fingerprints identical with those taken, and it must be concluded that fingerprints discovered all over the house where these have been found, even to the cellar, must necessarily be those of someone concerned in the domestic running of that house and not somebody casually visiting it. If you accept that evidence as identifying that body as that of Mary Rogerson, then it may help you to identify the other as that of Mrs. Ruxton, because they lived together, were last seen at 2 Dalton Square the same night together, and portions of the body, which we say is that of Mary Rogerson, were found in the same parcel as portions of the body, which we say is that of Mrs. Ruxton.

Now, with regard to that other body, which we say is that of Mrs. Ruxton, Mrs. Ruxton had brownish hair with a patch of grey hair on the top of her head; that head had been scalped, but there were still left one or two adherent hairs similar in colour to Mrs. Ruxton's. You will hear from the medical evidence that in strangulation certain portions of the body become discoloured, one of the portions being the whites of the eyes; the eyes had been removed. She had a prominent bridge to her nose; the nose had been cut off. If she had been strangled the skin of the ears would have shown discoloration; the ears had been

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cut off. The lips also would have been discoloured; the lips had been cut off. Mrs. Ruxton had had some teeth extracted and a dental plate in the front portion inserted; new extractions had been made at the time of her death. She had peculiar bevelled finger nails; the tips of her fingers had been removed. Her legs were almost of the same thickness down to the ankles; the flesh round the ankles had been cut away so that you could not tell the shape of her legs. Her toes had been humped; and these had been cut off. On her left big toe joint she had a bunion; that bunion had been cut away, but the doctor did not realize that by means of X-rays you can tell whether the joint has got inflammation which indicates that a bunion has been there, and at that joint there are signs of just such inflammation. Casts of the foot were taken, and again these fit perfectly into Mrs. Ruxton's shoes. If those facts are proved to your satisfaction, there cannot be the shadow of doubt that that is the body of Mrs. Ruxton.

When these bodies were found, some of the parts were wrapped in a hemmed sheet. The sheet was torn, but the hem was there, and this sheet is one of a pair with another sheet found in Mrs. Ruxton's house on her bed. Another portion was found in a child's romper which was given to Mary Rogerson by a Mrs. Holme, and a further portion in a blouse which Mrs. Rogerson gave to Mary. If you come to the conclusion that these are the bodies of Mrs. Ruxton and Mary Rogerson, remembering all the facts of the evidence found at the house which I have described, can you have any doubt that Mrs. Ruxton was murdered by the prisoner?

At first it was thought that the bodies were those of a man and a woman, and a few days later the prisoner remarked to Mrs. Oxley, on reading his newspaper, "That is not our two." No one had suggested that they were, and on that he burst out laughing, no doubt relieved that the police had not recognized the correct sex. On 1st October the Rogersons called again, and as they were not satisfied with the doctor's replies to their questions, they went and informed the police, who for the first time knew that she was missing. On 4th October the prisoner is at the police station and suggests that the police should go and ask Mr. Edmondson about it. Mr. Edmondson had nothing at all to do with it.

On 5th October the Rogersons called again, and this time the prisoner began to talk of his wife's extravagance, and said that he could choke them both. On 8th October he took out all Mrs. Ruxton's clothing and gave all the older clothes to the charwomen; he packed the better clothes in a suitcase and said he was going to take them to his wife in Edinburgh. He did go to Edinburgh, but did not take the clothes, and went to see Mrs. Ruxton's sisters



**Isabella Ruxton**





# Opening Speech for the Crown.

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and there denied indignantly an allegation that he had done anything to his wife. On 10th October after the bodies were discovered he called on Mrs. Hampshire once more. He was very upset and said the police had been questioning him about Mary Rogerson, and then he added "What have you done about the suit?" Does not that show a very close connexion between Mary Rogerson and that suit which was bloodstained? When he learned that the suit still existed, he said, "Do something with it; do something with it! I haven't a friend in the place. You will stand by me will you not? You will be sure to stand by me?" He asked if she had got the marks off the carpet and told her to burn it. He then went to the police station and appeared to be very angry, said that he was being connected with the bodies found at Moffat, and asked the police to circulate a description of his wife to see if she could be found. This is the first time he has asked this, although his wife had been missing since 14th September—just when he knows that people have been connecting his name with the murder of these two people at Moffat. Later he invited the police to come to his house, but by that time all traces of the carpets had been removed, what was in those locked rooms had gone, and the walls and bath and bathroom had been cleaned out.

You will hear how he tried to get the man who repaired the cistern to tell lies. On 12th October he goes round to Mrs. Oxley's and asks her to tell the police that he came round on that Sunday morning at seven o'clock to tell her not to come, and then came again at nine o'clock to tell her to come at eleven o'clock. This was absolutely untrue, and she told him she could not do that. He then went round to Mrs. Anderson's house and tried to get the maid there to believe that he had been at their house every day. He told her to be sure to say that he had called on that Thursday when he was away on the journey that took him 6 hours 50 minutes, the day on which he had gone up and down stairs carrying those parcels. That is untrue; he never called on that day. He was seen by Mrs. Curwen scraping the walls of the recess in the yard with an axe, and he told her there must not be any bloodstains on the wall or they would say he had been doing a murder. He was sent for by the police and made a long statement, after which it was only right that he should be arrested and charged with the murder of Mrs. Ruxton. You are only trying him for the murder of Mrs. Ruxton, but the incidents connected with the death of the girl Mary Rogerson may help you considerably in deciding whether the prisoner is guilty of the charge that is brought against him.

I have spared you a great deal of detail which it will be necessary to call before you, but there you have a brief outline of the

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incidents on which the prosecution in this case ask you to say that the prisoner is guilty of the murder of Mrs. Ruxton. With the assistance of my learned friends I will call the evidence before you.

## Evidence for the Prosecution.

LAWRENCE JOSEPH HOLIDAY, examined by Mr SHAWCROSS—I am an assistant surveyor in the employment of the Lancaster Corporation. On 16th October, 1935, I made a plan of the house, 2 Dalton Square, Lancaster, which I now produce.\* I also produce a plan of the road from Lancaster to Edinburgh through Moffat, which I have made to scale. I have myself made the journey from Lancaster to Edinburgh along that route, and can give the following distances from Lancaster to various places—to Kendal, 21 miles; to Penrith, 47 miles; to Carlisle, 64.9 miles; to Lockerbie, 89.2 miles; to Moffat, 105 miles; to Broughton 127 6 miles; to Penicuik, 146 5 miles, and to Edinburgh, 156.3 miles.

Cross-examined by Mr NORMAN BIRKETT—Would this plan give any indication of how the drains of the house run?—Yes, it would. At the back there is a dotted line.

That is on the ground floor plan?—Yes.

Have you shown on this plan all the drains, or the main drains?—The main drains.

And am I right in supposing that you have shown one connecting from the consulting-room?—Yes.

Does that go into a trap or a gully at the bottom of the steps indicated on your plan in the yard?—Yes.

In the yard of the ground floor plan there is shown a 6-inch drain running right across the yard; is that the main drain which is connected up with the main drain of the street, and do all the waste products of this house in Dalton Square ultimately go through this and in no other way: is that right?—Yes.

Into that 6-inch drain is there a connexion from the consulting-room, which is marked on your plan "Consulting Room, sometimes called the Surgery," by that dotted line running from the basement?—Yes.

It goes underneath the steps to a trap or gully which is indicated there at the junction of the main drain?—Yes.

From the scullery are there similarly two openings going into that drain? Do they both come from the scullery?—Yes, and the other from the tunnel underneath.

What is the third one?—A rain-water pipe.

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\* See Appendix I. for list of exhibits.

# Evidence for Prosecution.

Lawrence J. Holiday

By Mr. JUSTICE SINGLETON—Connecting with the sewer?—Yes.  
Runs into it?—Yes.

I thought that was not allowed. It is in Lancaster?—Yes.

*Cross-examination continued* by Mr NORMAN BIRKETT—Is it right that these connexions shown there are all the connexions upon the ground floor?—Yes, as far as I could ascertain.

Is the w.c. at the end of the yard an outdoor one, and does that also go into that drain?—Yes.

And that concludes all upon the ground floor. Supposing I lift the plug in the bathroom, where does the bath water go? It does not show on your plan?—No, I think it comes into the gulley where the consulting-room connexion goes.

In that gulley is there a door so that you can inspect it—a little manhole there?—Yes, a grating.

Then the wastage from the consulting-room and the bathroom go into the same trap or gulley?—Yes, I think so

You show a block plan showing Great John Street. If you were in a house in Great John Street—let us suppose in a bedroom on the first floor—and you are looking across to the County Cinema, that open space is the yard of 2 Dalton Square that I have just been dealing with?—Yes.

Are you able to tell me the height of the wall of the County Cinema that abuts on to that yard?—Yes, 37 feet 6 inches from the ground to the eaves.

Can you tell me how much would be visible, approximately, from the first floor of Great John Street? Would there be some considerable portion you could see up above you?—I could not answer that.

· FREDERICK CHARLES HARRISON, examined by Mr. JACKSON—I am a police-sergeant in the Lancaster Borough Police Force and experienced in the construction of woodwork. From the plan of 2 Dalton Square, Lancaster, I have constructed a model of the house and also models of the furniture in the three bedrooms and bathroom. On the ground floor there are the vestibule door and the hall, on the right a waiting-room, on the left the library or consulting-room, at the back the surgery and the kitchen. On the next floor there are the landing and drawing-room, with the lounge and dining-room at the back. On the second floor there are three bedrooms at the back. The bathroom is superimposed as a sort of addition to the landing on the first floor, but is not exactly part of any floor.

BERTIE JAMES HAMMOND, examined by Mr. MAXWELL FYFE—I am a detective-lieutenant in charge of the photographic and fingerprint department of the Glasgow City Police Force. On 1st

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October last year I went to the bridge over Gardenholme Linn on the Moffat-Edinburgh road and took certain photographs. On 14th and 15th October I took further photographs at 2 Dalton Square, Lancaster. These photographs I produce as Exhibit 3. The first five prints deal with Gardenholme Linn and show fairly clearly the type of ground there. Photograph No. 6 shows the front of the house, 2 Dalton Square; No. 7 shows the door leading to the backyard in Friar's Passage facing Great John Street; No. 8 is a photograph of the backyard showing the back door and the excavated gulleys at the back door; No. 9 is another photograph of the yard showing the entrance to a recess near the fall pipe, the door leading into Friar's Passage, the water-closet at the bottom of the yard, and the ashbin—it shows the scorching of the wall; No. 10 is the recess; No. 11 is the entrance hall; No. 12 the kitchen; No. 13 is the first stair landing taken from the second stair landing; No. 14 is the interior of the bathroom—on the left is the bath and opposite the bath is a wooden settee covered with linoleum of the same pattern as the floor, which goes the whole length of the bathroom opposite the bath; No. 15 is the cupboard, No. 16 is a photograph of two pieces of oilcloth on the floor of the cupboard in the bathroom; No. 17 is the top of the lavatory seat; No. 18 is the staircase immediately above the bathroom landing, and No. 19 shows the top stair and the top landing.

Cross-examined by Mr. NORMAN BIRKETT—With regard to what you say is the scorching on the wall on the right of the ashbin on photograph No. 9 you do not know how long that had been there?—No.

Were you satisfied it was a scorching?—Yes.

This is your identification of the photograph of the scorching on the wall?—Yes, it is.

Because it was your idea of what it was?—Yes. In addition to that there was a lot of burned debris round it.

I am dealing with the photograph that you have taken. It is quite right for you to tell me if on the day you took the photograph it was there. Was it?—The debris? Yes.

Let me have that; it is rather important. That is to say, on 14th October, 1935, there was some burned debris there when you took the photograph?—Yes.

Had you any idea of what the debris was?—I did not make a close examination of it.

How much was there, a shovel full, a basin full or a tin full?—I should think there would be approximately half this ashbin full at the time I took the photograph.

That was lying quite near the mark upon the wall which looked as though it was a scorching?—Yes.

# Evidence for Prosecution.

Bertie J. Hammond

Is the visible marking upon the wall about 5 feet, gradually tapering away and possibly a little higher?—Yes.

The wall upon which that scorching appears is the wall of the cinema and it is roughly parallel with Great John Street?—Yes.

Will you turn to photograph No. 13? It may be important and I want to have it quite clearly in all our minds. When you come in the door to ascend the first flight of stairs, turning to your left you are opposite the bathroom door?—Yes.

Turn to No. 18. Coming up the stairs I turn to the left to go into the bathroom, and coming out of the bathroom I turn to the right, come up the small flight of steps, turn to my left, go up the flight of stairs in No. 18, turn again to my left and up another flight of stairs—it is in two pieces—the top flight of stairs, and then I am on the bedroom landing?—Yes, the top landing.

In order to go from the bathroom to the bedrooms in this house, either Mary Rogerson's, Mrs Ruxton's, or Dr. Ruxton's room, you have to ascend a small flight of steps, then the two flights of stairs and then turn round to the top—in other words, three flights of stairs?—That is so.

Mrs. JEANIE KERR NELSON, examined by Mr. MAXWELL FYFE—I am a widow residing at 12 Bothwell Street, Edinburgh, and am employed by the Edinburgh Corporation. Isabella Ruxton was my sister. She was 15 years younger than I, and was born in Falkirk on 3rd March, 1901. In 1919 or 1920 she was working in an Edinburgh restaurant and married a Dutchman called Van Ess. In 1927 I was introduced to Dr. Ruxton by my sister. He was then called Captain Hakim, and was studying at Edinburgh, being already a qualified doctor. My sister left her work at Fairley's restaurant where she was manageress at the beginning of 1928 and went to London. After a few months she returned to her work for a short period and then went back again to London. Dr. Ruxton was in London at that time. In August, 1929, a little girl, Elizabeth, was born.

By Mr. JUSTICE SINGLETON—Had they been married, do you know?—My sister told me she was married before Christmas Eve of 1928. She did not give me any proof. She just told me they had been married.

*Examination continued*—Did she tell you what had happened with regard to Mr. Van Ess or not, or did Dr. Ruxton tell you?—I knew she was divorced from him.

When the child was about two months old I think she brought it to see you?—Yes. She stayed in Edinburgh for about six months and went to work. Dr. Ruxton was then in London. In the spring of 1930 he came to Edinburgh and took my sister and the child with

# Buck Ruxton.

Mrs Jeanie K. Nelson

him to live in Lancaster, where they remained until September of last year.

I think you have visited them several times at 2 Dalton Square, Lancaster?—Yes.

Just to complete the history, you have told us that Elizabeth was born in August, 1929. Was there another child, Diane, born some time in 1931, and a boy, Billie, born in 1933?—Yes. There was a fourth child who died; it was born in April, 1932.

Do you remember getting a telegram in 1932 and going to Lancaster? When you got to Lancaster in what state did you find your sister and the doctor?—Well, at one time I went on receipt of a telegram, and when I arrived in Lancaster the doctor met me at the door—it happened in the early pregnancy of the child who died—and took me into his consulting-room, and he told me my sister had tried to gas herself. Of course I felt surely there was some reason and I asked him if he was at fault himself in any way. He said No, he was a loving husband and she was trying to ruin him by trying to get him into trouble by gassing herself, that she had threatened to do it before, and he did all in his power and was good to her and kind and loved her. He was very excited and would not allow me upstairs for some time to see my sister, but at last he took me upstairs and came into the room with us and demanded my sister to tell me the truth about what had happened. My sister said there had been an accident, but he refused to believe it was an accident at first and slapped her face while she was in bed and said, "Come on now, the truth, the truth. You must tell the truth." He was very excited and of course he meant her to say she had done it, but she would not own up to doing it herself. She wanted me to take her home with me, and he said if we left and took the children with us he would cut the throats of all of us. Then he calmed down and became very nice. I stayed overnight, and went back to Edinburgh with my sister and the children the next day. The doctor helped us to the station with the children; he helped us to get away.

On the following day he had changed round and allowed you to go?—He had completely changed round—only for a holiday.

How long was your sister away?—She was a week, or it may have been a little more than a week, with Mrs Trench, a third sister. At the end of that time Dr. Ruxton came and took her away to Lancaster.

Have they visited you in Edinburgh since then?—Yes, very frequent visitors they were.

I want you to come to a time when you went to Blackpool in 1933. You went there for a week-end?—Yes, we were staying at the Savoy Hotel. My sister came with Dr. Ruxton, and I think Mrs. Harrison was with them. They came late on Saturday evening and took us along the front to see the lights. The children and Mary Rogerson came there also.

# Evidence for Prosecution.

Mrs Jeanie K. Nelson

Was that the first time you saw Mary Rogerson?—Yes; that is the only time I saw Mary Rogerson.

Do you remember your sister in 1934, the next year, coming to Edinburgh alone and Dr. Ruxton visiting afterwards?—Yes.

What happened on that occasion when Dr. Ruxton came?—It was a Wednesday afternoon and I was out. When I came in my sister was sitting in the house and she said, "I have finally left Lancaster and I am not going back."

When the doctor came, did you hear him say anything either to you or to your sister?—When he came, he demanded her to come back again. He was very excited and said it would ruin him if she left him, that he could not live without her, and that the children required her. He pleaded with her, demanded her, I should say, to come back, and then pleaded, and I joined. She said, "If you leave Lancaster and make a home elsewhere, I will come back." He said he could not do that because of his business. Then in the end she said, "Well, leave me a day or two to recover myself," and he said, "No, no, you must come back." In the end they agreed for her to stay if she followed the next day, so she followed the next morning.

Did she take something with her that had been yours?—She took my handbag.

Is that handbag which is now produced the one?—That is my handbag, the one she took away with her.

You told us there were other visits. When was the last time she visited you in Edinburgh?—The Sunday previous to 15th September. She came early in the morning in her car. I saw her again in Blackpool on Saturday, 14th September. It was in the evening, and she took us out to see the lights.

By Mr. JUSTICE SINGLETON—In her car; up and down?—Yes, we went along the front.

You were always very friendly, you and your sister?—Friendly! I loved my sister.

*Examination continued*—Your other sister, the fourth one, Mrs. Madden, and her husband were there also?—Yes.

After the drive did you go back to the boarding-house?—Yes, we got back at almost eleven o'clock. We had a light supper and it must have been about half-past eleven before she left. She left alone and took my handbag with her.

What sort of spirits was she in?—She was in very good spirits until I saw her alone.

On the next day did your sister come at all to the boarding-house?—I waited all day but she did not come. We went back to Edinburgh on Monday, 16th September, by motor bus. I have never seen my sister again from half-past eleven on the Saturday night.

The Court adjourned.



## Second Day—Tuesday, 3rd March, 1936.

Mrs. JEANIE KERR NELSON, recalled, further examined by Mr. MAXWELL FYFE—Yesterday you told us you had returned to Edinburgh on Monday, 16th September. Some days after did a letter arrive at your house addressed to Mrs. Ruxton?—Yes, it arrived addressed “Care of Nelson” and was marked “If away please forward.” I readdressed it to 2 Dalton Square, Lancaster, England. The postmark date is 26th September, posted at 7.15. In the meantime I had not heard a word from my sister. On Monday, 7th October, I received a letter from Dr. Ruxton [Exhibit 31 produced].

My dear Sister, I am heart-broken and half-mad. Isobel has again left me. She has done this trick again after about ten months. Do you remember she left me bag and baggage last November, when I came to your house. She told me she was going to Edin to take sole agency for Lancashire from Mr. Wm. Murphy for his football pools. I have found that she has been trying to hire rooms in Preston to promote football pools on her own. Then again I was informed that she actually has taken rooms in Blackburn and furnished them, but is not using them. The rent is mounting up I am sorry to have to tell you a tale, but ever since she has left there is no end of bills that I am getting. She has bought clothes and other things to the tune of over £100 from various shops in Lancaster. She has been evidently backing horses, and a prominent bookie in Lancaster is demanding £21 15s. from her. The most important thing is that she is trying to help our maid who is in a certain condition. I hope she does not involve herself into any trouble with the law, because she will be hable for helping her for such affairs.

The children are asking for her dailly and I really cannot sleep without her. Mine is only the temper, but in my heart she is my all in all. She has taken my £30 and two gold coins—half-sovereign and a full one. She has been telling me for the past so many months that she would like to go in business of her own. Do you think she needs to do all that? I am afraid I cannot knock sense in her. She is highly impulsive and thinks she can be a millionaire overnight. According to the latest information she is somewhere in Birmingham, but I cannot keep on running after her. I have got a very bad hand and it is my right hand. It is all painful and swollen. I am intending to come over to Edin. on Wednesday to talk things over with you. Have you any relations in Canada by the name of Fiddler? I know you have sister Jessie's husband in Queensland, but I did not know that you had relatives in Canada. Some time ago she got into her head to go to Canada. I really don't know one minute what next she is going to do. My life is impossible without her presence in my house. I do admit I have a temper, but

# Evidence for Prosecution.

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your sister gives me strong cause of provocation now and again. In spite of all that I am terribly fond of my Belle. How could she be so heartless to leave me like that? Could you do me a favour? Can you supply me with the addresses of the following people where I think Isobel must have gone? She used to know a nice lady called Mrs. Williamson who was her head manageress in Thursoe. Another lady called Miss Bainbridge. I do not know anything about this person. Another Miss or Mrs. M'Kenna in Glasgow. Perhaps you will be able to know them and their addresses. Has she been to your place or not? I want you to tell me the honest truth. Please do not intentionally help Isobel to keep away from me. I want you to help me to keep my home together. I am simply distracted. I cannot even keep my mind on the practice. You must ask her on your own to come back to me. I am surely coming to see you on Wednesday afternoon at about four. Till then, yours affectionately, Bonnie.

"Bonnie" is the name my sister addressed Dr. Ruxton by.

You told us you got that letter on 7th October. Did you ask your son to write for you?—I did not ask my son to do it; he did it; he would not allow me to do it.

Mr. MAXWELL FYFE—I formally call for that letter, and it is not produced

The WITNESS—Two days later I received another letter from Dr. Ruxton dated 8th October [Exhibit 33 produced].

Dear Sister Jean, I have received word per Jim [Mrs. Nelson's son]. You say you cannot help me and do not wish me to come to Bothwell Street. I never knew I was so unwelcome at yours. Perhaps Belle has told you something which might have put you against me. Moreover after all she is your sister and you must side with her. All I wanted you to do was to persuade Belle once more, as you did last year, to come back to me and the children. Anyway, I should be very much grateful to you if you would kindly see me at sister Lizzie's [Mrs. Trench] to-morrow afternoon at about four o'clock. The train will reach Edin at a quarter to four. I know Isobel a little better than any other person. She will never be happy anywhere the way she has left me and the children. Jim writes to say that you have no relatives in Canada. I know for a fact that Belle has been communicating with someone in Canada in Saskatchewan. She told me she had an old aunt there. It all seems a mystery to me. Have you any friends there? I do not know the full name and proper address, but I do know the surname—Fiddler. She has taken practically everything with her. On the top of that she has purchased wearing apparel of the value of over £100 (One hundred pounds) from various shops in Lancaster. Even this morning I have got a fresh bill from a dressmaker. You can imagine how I feel. I just want to see you at least once and I can assure you I will not take up much of

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your time. Please do not misunderstand me, but remember that you have got children of your own and one of them is already married happily I request you to try your level best to help me to keep my home together If you are intentionally helping your sister to keep away from me by listening to her one-sided story I want you to hear my story, which I can prove by documents. Then if you feel satisfied that there is just grievance on my part, you can ask your sister to go back to me.

Sure to goodness I am not such a terrible person that she cannot live with me. I do admit we have had rows, but Belle has given me lots of causes of provocation Do you know she has been gambling heavily all to make herself rich overnight? You can imagine her wisdom in starting a business in opposition to Mr. Murphy of football pools. She took an office in Blackburn In fact I am still responsible for its rent. These things are bound to upset me. Then she said she was going to Edin. to try the sole agency of Mr. Murphy for Lancashire. I could go into a host of other things, but I wish to see you personally. If she does not turn up soon I will have to publish her photo in the newspapers. I do not want to do that if I can help it. Please if you know where she is I appeal to you to let me know I will not even speak a wrong word to her if she would just come back. I can't understand her sudden change of attitude. Well, I am hoping to see you to-morrow. Till then, yours affectionately, B.

I received that on the 9th, and saw Dr. Ruxton on that day about 4.30 at my sister's, Mrs. Trench. He was very excited and asked if I was hiding her. I said, "Don't you know where she is?" and he replied, "What do you mean?" I asked him if he had done anything to my sister and he said, "I would not harm a hair of her head I would not hurt her. I love her too much. I do not stand to make a penny by her death." He said she had been very extravagant. He said an awful lot; he was very excited and spoke continuously and we could scarcely get a word in. He said he thought that Mary Rogerson was helping her and that they had gone away together. He said Mary was pregnant. I asked him how he knew, and he said that he had heard the children saying that Mary had a sweetheart, a laundryman, and he had heard the women that came in the house bothering her about her boy; so he may have thought she wanted to get married. He said he brought it to the notice of my sister and said, "Mary may leave us and we will be left without someone for the children." So he himself put the question to Mary, Was she going to be married, and he said she cast down her eyes and just said, "Ask no questions and you will be told no lies." He then said that, being a doctor, he could see her condition himself.

You told us you had seen your sister at Blackpool Did he ask anything about your sister's visit to Blackpool?—He asked if she was alone and I said that she was.

# Evidence for Prosecution.

Mrs Jeanie K. Nelson

Did he say anything about the visit to Edinburgh at the beginning of September, and what he had done?—He told me she had gone to Edinburgh with a young man, and that they had occupied the same room, or she had been to his room or something. He said he had followed them when they came to Edinburgh. He said it was raining, but he had put a brown-paper screen across the car windows; he could see them but they could not see him. He said he had gone to the garage and had seen his car alongside Edmondson's on the Sunday morning. His words were, "Imagine my feelings to see such a thing."

Did he say what the date of his visit was?—It was on the Sunday previous to the 15th. They left Lancaster on the Saturday. He said he had seen the names in the register—a Mr. and Mrs. Ruxton, or a Dr. and Mrs. Ruxton, I am not sure. He said she had been sleeping with him. He did not say he had any proof for it, but he said that himself.

By Mr. JUSTICE SINGLETON—With Edmondson, that is?—Yes. I said that was ridiculous because the boy's father and mother and sister were there as well.

*Examination continued*—He got back to Lancaster first, and when my sister arrived he received her very lovingly. He asked her what sort of journey back she had had and that she would be tired.

Did he tell you what he said to her?—He said she told him she had slept at my house and he told her she was telling lies because he had been following her. He accused her of sleeping with the young man.

After that did you ask him about your sister?—I said, "The reason of your journey to Edinburgh was to find out these people you asked about in your letter: you have not done so yet? Let me tell you now, I do not know anything about where Miss M'Kenna is; I do not know anything about Mrs. Williamson, and I know my sister could not go to Canada. How did she take her things with her, everything except an old leather coat." He said, "Everything except an old leather coat—cleared out absolutely everything." I asked him how she could clear out everything without his knowledge, and he reminded me of the previous occasion when she had left. I asked him if he had made inquiries at the railway station and he said No, that he would do so when he got back again. He said he would be forced to publish her photograph and advertise in the papers for her, and I said it would be all right as the police would be looking for her.

Did you say why the police would be looking for her?—Because I had had a letter from Mary Rogerson's father. I mentioned this to Dr. Ruxton and he said that Mrs. Rogerson was a nice woman but the father was very unreasonable. He had been to see

# Buck Ruxton.

Mrs Jeanie K. Nelson

Mary Rogerson's parents and Mr. Rogerson had said to him that he had also sent his daughter away to some place in the summer time without any right to do so. He appeared to be very annoyed.

Was there anything else about Mr. Rogerson's attitude?—A threatening attitude as far as I can remember. Dr. Ruxton said he was not reasonable and did not seem to believe what he, Dr. Ruxton, told him.

Did you say anything to the doctor about your sister having told you that she was going to leave him?—Yes, I told him she intended leaving him as soon as she could, and that she was coming to Edinburgh to take a flat whenever she could get enough money, and that she had asked me to share this flat with her. I cannot remember all that he said; he spoke from half-past four till ten o'clock. I have never seen him since until at the Lancaster Police Court

You remember you described yesterday an incident when the doctor accused your sister of having turned on the gas on herself, that your sister said that it was an accident and that she had been unwell. Can you tell us what was it that was wrong with her, what she was suffering from before that?—Toothache. He had given her an anæsthetic and taken out her tooth. She felt headachy and had gone to lie down and asked not to be disturbed, and some time later somebody went into the room and my sister was lying on the gas fire.

That was the explanation about her illness that your sister gave you in the presence of Dr. Ruxton?—In the presence of Dr. Ruxton.

Cross-examined by Mr. NORMAN BIRKETT—You were very fond of your sister, I take it, and in the various disputes that arose between your sister and Dr. Ruxton I think you rather sided with her?—Naturally, but not altogether or unjustly. I sometimes reasoned with her. The disputes were fairly frequent.

Would you describe your sister as highly impulsive and excitable?—Yes, I would; excitable to a point.

Apt to act on the spur of the moment?—Not without someone behind her. She was impulsive, she had impulses, but she was not one that acted very often on her own.

She was a capable business woman, was she not?—She was.

Her intention in 1935 was to resume her business occupation?—Yes, but she had no settled plan to my knowledge.

You were to be still the kind sister and help, but you would not be involved in any trouble; is that right?—I would not say that I refused to be involved in any trouble. I have had trouble—I mean, to start in business when we did not have any capital. I do not like debts, and I would not undertake a thing I did not know I could fulfil or carry out. That is what I mean; not trouble to myself.

# Evidence for Prosecution.

Mrs Jeanie K. Nelson

At first, when the association began between your sister and Dr. Ruxton, they were very fond of each other—in fact, it would be right to say they were passionately fond of each other?—They were; I know my sister was passionately fond of him

We are at one about this, that in the early days that was the relationship that existed. Now unhappily that changed, did it not, and there were disputes and quarrels from the time she went to Lancaster in 1930?—Yes.

Would you say that in your experience of Dr. Ruxton he was very excitable, and that when anything upset him his conversation became almost unintelligible?—That is right. He spoke at an immensely rapid rate, rather incoherently, and kept running from one subject to another at a tangent.

When anything upset him he used very extravagant language—rather ridiculous language?—Yes.

In April, 1932, your sister gave birth to a child that was dead at 2 Dalton Square. That was, as far as you know, an ordinary birth, but most unhappily the child was born dead?—Yes.

That was in April, 1932. It was at the end of 1931, or thereabouts, that this matter of the incident of her gassing herself was raised, was it not?—That was as near as I could fix it.

The dispute there was that Dr. Ruxton was saying she had deliberately tried to gas herself and she said it was an accident. He had been without doubt tremendously upset about it and was upon that occasion very excited?—Yes, he was very excited.

Again, spoke very incoherently and very rapidly, and used wild words?—In the bedroom. It was in the bedroom that he said he would cut all our throats.

Was there some suggestion then that the children would be taken away?—No, there was no suggestion.

He was passionately fond of the children?—Yes.

After that excitable time, still on this matter of gassing, he calmed down quite quickly, did he not?—Not quickly; he finally said he believed her and became very nice. He was always nice.

The position then was this, that on one day he was highly excitable using these wild words, and on the next day was as nice as could be?—Yes, to me.

And as far as you could judge to Mrs. Ruxton, and allowed her to come with you?—He allowed her to come with me.

The other thing I want to ask about is October or November, 1934. It was an occasion when she had left him and come to you in Edinburgh. Did she come with her clothing on that occasion?—Yes; she had a hat box, a suitcase, and a huge trunk which she told me the girl had packed for her.

That is Mary Rogerson, I presume. She was very fond of Mary was she not?—Mary was a loyal girl.

I am sure, but Mrs. Ruxton was very fond of Mary?—She

# Buck Ruxton.

Mrs Jeanie K. Nelson

admired her. I cannot say fond; Scotch people do not be fond of people like that. Mrs. Ruxton appreciated her loyalty.

When the doctor arrived, would it be right to say that he was the same extraordinarily excitable man—very upset and excited?—He was excited and very upset.

Besought her in your presence to come back?—Yes, and demanded.

Did he say in your presence something like this, "If you will only come back all will be forgiven"?—No.

And she said, "I will come back, but only on condition that you leave Lancaster"? Did she not like Lancaster?—She had been so unhappy there.

I do not want any more of this interview, except I want to leave, if it is right, this impression. he was excitable, speaking very quickly about all sort of things and, would this be right, was bringing up all sorts of occasions of dispute?—No.

Did he not blame her about anything?—He blamed her about taking some money, which she denied

Did he raise several matters like that?—No.

Now as regards this handbag that, I gather you say, was originally yours. I understand you to say that Mrs. Ruxton had that with her in November, 1934. Did she use things like lipstick and face powder?—Yes, she was using it latterly.

It is empty now. Did you see the bag with some things in it?—I did not see what was in it.

Never?—I may have seen some things.

It is empty now, but not on 14th September when she had that bag at Blackpool when she saw you. She had other bags than that, had she not?—I do not know. Since I gave her the bag, I have never seen her with any other either in Edinburgh or Blackpool. I gave her it in November, 1934.

You saw Mrs. Ruxton on the night of 14th September at Blackpool. These visits to the illuminations at Blackpool had become a regular occasion?—Yes.

There was a motor-bus trip organized for that purpose by which you had come. Did that trip not return on the Sunday morning?—No.

Had you on previous occasions gone back on Sunday morning?—On Sunday afternoon, but on this occasion we left on the Monday afternoon. This was the third yearly visit.

The last thing that I want to ask you about is the interview at Edinburgh on 9th October that you told us about, when he came up after writing these two letters. In the first letter of 6th October he says, "I am heartbroken and half-mad. Isobel has again left me. She has done this trick again after about ten months"—that would carry you back somewhere to November of the previous year. "Do you remember she left me bag and baggage last

# Evidence for Prosecution.

Mrs Jeanie K. Nelson

November, when I came to your house." Is it true in the next letter of 8th October when he says, "All I wanted you to do was to persuade Belle once more, as you did last year, to come back to me and the children"—is it true that you had persuaded her to go back?—I asked her to go back.

And it is perfectly plain that on 9th October the burden of his visit was to ask if you knew where she was and to persuade her to come back if you did—that is what it comes to?—That is what he said

Now, about the clothes that were mentioned that day when you said something about clothes Had Mrs. Ruxton a good many clothes?—She had a good many clothes of a kind

Was she rather fond of dress—liked to be smart, and fond of clothes?—In the four years she was in Lancaster to begin with she had very, very few clothes, very shabby. In the last two years there was a great improvement in her dress.

You remember what you told us about his reference to the visit up north on 8th September and the stay at the Adelphi. Are you sure that he said that she had slept with the young man?—Yes.

I suggest you have made a mistake in recollection about that?—No When Dr. Ruxton left my sister's home I heard him telling my sister at the door, "If anybody comes asking questions do not answer them." That was at my sister's house on 9th October. I did not go to the door, but I heard him distinctly.

But he was admittedly very greatly upset that night?—Yes.

And at times he appeared to be quite distracted, and that applied really to the whole of the events of 9th October when he was in Edinburgh?—Yes.

Re-examined by Mr. JACKSON—That night in October was after your sister had disappeared. Had you then heard of the bodies at Moffat?—I had.

You said he was distracted; what was his condition when he left the house?—He was much calmer.

When was it that he said, "If anybody comes to the house do not say a word"?—When he was at the door.

That was when he was calm?—Yes. He said it to my sister.

WILLIAM THOMPSON, examined by Mr. JACKSON—I am chief constable of Clitheroe. In April, 1934, I was a detective-inspector in the Lancaster Borough Police Force. On 6th April, 1934, Mrs. Ruxton came into my office in Lancaster and made a statement. Afterwards Dr. Ruxton came in accompanied by Detective-Sergeant Stainton. He waved his arms in the air, commenced to shriek and foam at the mouth. I tried to calm him and he said, "My wife has been unfaithful. I will kill her if it continues" I took him into another room and he said, "My wife is breaking my heart."



# Buck Ruxton.

William Thompson

He then calmed down and I went and had a talk with Mrs. Ruxton. On returning to Dr. Ruxton, I told him that his wife insisted on leaving him and asked him if he would give her some money to pay her fare to Edinburgh. He gave her £3 Dr. Ruxton then left, and I accompanied Mrs. Ruxton to her house and into a bedroom at 2 Dalton Square where she packed some clothes. We went into a small room on the right and Dr. Ruxton came up and passed to her a note which she read. I had a conversation with her, and later Dr. Ruxton came upstairs and they had a conversation together. After Dr. Ruxton went downstairs she agreed to stay, and I left the house

Cross-examined by Mr. NORMAN BIRKETT—How long was the interview with Mrs. Ruxton before the doctor came?—About 20 minutes.

How long after that was it that the doctor stayed until he went away?—Until about two o'clock.

That would mean in all about 40 minutes?—Yes

It was when Mrs. Ruxton had gone back to the house with you that the conversation took place, the note passed, and afterwards that she agreed to stay?—Yes. I left at about quarter-past four.

Take the expression "foamed at the mouth." Is that not a figurative expression?—He actually did foam at the mouth. As a matter of fact I got very concerned about him, and thought he was going to have a seizure. He was hysterical, almost incoherent at times, and spoke with immense rapidity, leaping from one subject to another.

I suppose this phrase, "I will kill her if it continues," was put down afterwards?—Yes, about half-past four when I came back to the house.

Did he not say, "You know, it makes one's blood feel like boiling"?—No, he did not say that.

I am sure you would agree that you could not possibly at 4.30 record the whole of that conversation. I suggest that in the events of the afternoon you got that phrase wrong?—No, he actually did use these words.

You say that he accused his wife of infidelity in your presence. Did she deny it in his presence and did he still repeat it?—Yes.

Speaking generally, nothing that anybody could say at the time would calm him at all, but later he did become calm?—Yes.

And when he was terribly excited and when he was calm was he protesting his great love for his wife?—He was.

WILLIAM NORMAN WILSON, examined by Mr. JACKSON—I am a police-constable in the Lancaster Borough Police Force. On 25th May last year I went to Dr. Ruxton's house in answer to a telephone message. I found Dr. and Mrs. Ruxton there. Dr. Ruxton

# Evidence for Prosecution.

William N. Wilson

was in a very excitable state, behaving like a man insane. He said, "I will commit two murders in Dalton Square to-night." Sergeant Stainton arrived and quietened him somewhat. Dr. Ruxton said he was going to the Police Court on Monday morning to take out a summons against a man who had enticed away his wife's affections.

Cross-examined by Mr. NORMAN BIRKETT—When you saw Dr. Ruxton with Mrs. Ruxton, did Mrs. Ruxton say that the man who had been referred to would kill Dr. Ruxton, and was it then that Dr. Ruxton said, "Well, if he does, that will be two murders"?—I never heard Mrs. Ruxton say that.

That is how I suggest that the suggestion of murders came in. But quite generally he spoke extremely rapidly?—Yes.

And most incoherently and very wildly?—Yes, I am afraid he did.

I suggest that the murders came in in the way I have mentioned?—No, I am afraid not.

You mean you do not recall Mrs. Ruxton saying that? She did say something presumably?—She never said anything about anyone doing any murders, killing anyone.

Did she not say, "The man who has been discussed, he will kill you"?—No, she did not.

She was highly excited too? Did she appear scarcely to know what she was saying?—She was in a very distressed condition; she appeared very frightened.

CHARLOTTE SMITH, examined by Mr. MAXWELL FYFE—I was employed as a day woman by Dr. and Mrs. Ruxton for six months in 1933. I used to go there at half-past seven. Mary Rogerson was there the whole time I was there. One Sunday towards the end of November, 1933, Mrs. Ruxton came down to the kitchen where I was working. She was crying terribly, and holding her left arm; it was badly bruised. At lunch time Mrs. Ruxton said she would go away, and Dr. Ruxton said, "You will not go away." He said he would watch that she did not take the children; she was not a fit woman to have them.

Cross-examined by Mr. NORMAN BIRKETT—You left the Ruxtons' service at the beginning of 1934 and have had nothing to do with them since then?—No.

In October, 1935, when the police asked you to recall the events of 1933, did you not have difficulty in recalling them?—No.

You are quite sure that Mrs. Ruxton showed you her arm?—Yes.

ELIZA HUNTER, examined by Mr. JACKSON—In April, 1935, I was employed as a domestic servant at 2 Dalton Square where I had been since July, 1934. I slept in the same bedroom as Mary

# Buck Ruxton.

Eliza Hunter

Rogerson, on the top floor, in a room at the back. Mrs. Ruxton occupied a room facing the front on the left, and the children slept in the same room. Dr. Ruxton slept in a room on the right on the same floor. The conditions in the house were most unhappy as Dr. and Mrs. Ruxton did not agree with one another. I remember Mrs. Ruxton leaving the house on one occasion with all her clothes. She was away only one day, and Dr. Ruxton said he would bring her back to the mortuary. He asked Mary Rogerson if she would be the mother of his children from then on. I remember an incident that happened three or four months before I left. One morning Mrs. Ruxton called me and when I went into her bedroom the doctor had her down on the bed with his arms round her neck. He said it was not my business, and I had to leave the room. Previous to this I was in the backyard when Mrs. Ruxton called me from the kitchen. I went in and she said the doctor had a knife at her throat. I heard a knife click as if it were being closed. The doctor possessed a white knife, but when Mrs. Ruxton said that, he said he had no knife. I said that he had because I had heard it click. I used to make the doctor's bed. I have seen a revolver there under his pillow.

Cross-examined by Mr. NORMAN BIRKETT—Why did you leave the Ruxtons?—Because they were always quarrelling.

Was it not a fact that you were dismissed?—I was dismissed because I was looking for another situation.

As a matter of fact the explanation that you left because of quarrelling was not true, but that you were dismissed for the reason you now give?—Yes, for looking for another situation.

Is it not a fact that Mary Rogerson made the beds and that you did not?—No.

Could you remember the day of the week you found the revolver?—No, I could not.

You could remember the place where you found it, under his pillow. Did you discover it when you were making the beds?—Yes.

You had never seen it before or since in the house?—No.

What did you do with it?—I took it out and put it on the marble table.

When he said he would bring her back to the mortuary, did he say that for all to hear?—No. I was alone in the house myself, and Billie.

He just said it to you. Did it alarm you and did you think he meant it?—Yes.

I might suggest that he was very excited because she was away?—Yes.

He was using a lot of wild language much of which you cannot remember?—Yes.

# Evidence for Prosecution.

Eliza Hunter

When you say you saw him with his hands round her neck, were they both upon the bed?—No. Mrs. Ruxton was down on the bed and the doctor was in front of her and had his hands round her neck.

Did he get up instantly when you came into the room?—Yes.

By Mr. JUSTICE SINGLETON—Was she dressed or undressed?—Dressed.

*Cross-examination continued* by Mr. NORMAN BIRKETT—Whatever he was doing he got up as though he had been surprised by somebody coming in?—Yes.

Did he seem comparatively calm or excited that day?—Excited.

You never saw a knife did you?—I had a glimpse of it in Dr. Ruxton's hand. That was about two or three months before I left.

Was it a habit to keep the best rooms locked?—No. There was only one room locked, the drawing-room, and the key was kept in the lock.

VERA SHELTON, examined by Mr. MAXWELL FYFE—From the middle of May until the middle of July last year I was employed by the Ruxtons. I slept in the same room as Mary Rogerson on the left-hand side of the top floor. One night about half-past eleven I heard a bang and Mrs. Ruxton calling my name. I ran into her bedroom. The doctor was there and seemed to have been holding her; he ran out of the room when I came in. There was a bruise on her arm, and I heard him call her a prostitute. He ran downstairs, and I went into Mrs. Ruxton's room and locked the door. A telephone was lying broken on the floor. Mrs. Ruxton was in her nightdress which was torn. One Sunday afternoon I heard another row. The doctor had evidently been reading a letter in her bag. He ran down the stairs and said, "You cheat! You open my letters." After that they went out in a car and took the little boy with them.

Cross-examined by Mr. NORMAN BIRKETT—Did they seem quite composed when they went out together; the quarrel was over and they were friends again?—Yes.

You heard a good many quarrels like that during the time you were there?—Yes.

And they made it up quickly afterwards?—Yes.

ROBERT JAMES EDMONDSON, examined by Mr. JACKSON—I am an assistant solicitor in the town-clerk's department of the Lancaster Corporation. I have known the Ruxtons socially and have frequently visited their house since March, 1934.

Has the prisoner at any time, until after the disappearance

# Buck Ruxton.

Robert J Edmondson

of his wife, suggested that you were being intimate with his wife?—He has never suggested anything of the kind.

Has there been the slightest intimacy of any description between you and Mrs. Ruxton?—Most certainly not.

The Town Hall where you work is in Dalton Square opposite to where the prisoner lives?—Yes.

On Friday, 6th September, 1935, did you meet Mrs. Ruxton?—Yes, I spoke to her in the square about nine o'clock as I was going across. On the following day I, with my father in my car, and Mrs. Ruxton with my mother and sister in the doctor's car, left our home and set off for Edinburgh. Mrs. Ruxton's car led the whole way. We went via Carlisle and stopped for petrol at Penrith. We also stopped at Moffat and Penicuik. In Edinburgh we called at my father's cousin's house. We intended staying with my father's aunt, but we were told she was ill, so we went to the Adelphi Hotel. Mrs. Ruxton booked four rooms, and we left next day arriving at Lancaster just after midnight. On the following Monday I met Dr. Ruxton and he asked me whether Mrs. Ruxton had taken my sister and who else had gone on the trip to Edinburgh. He was perfectly friendly with me.

On Sunday, 15th September, were you in Blackpool?—Yes, in the afternoon and evening

Did you see Mrs. Ruxton at all?—No, I have never seen her again since 14th September. On that day I saw her about 3.5 in the afternoon. She was driving along Scale Hall Lane in the Morecambe direction; I was coming from Lancaster. She did not appear to see me and I did not stop and speak with her.

By Mr. JUSTICE SINGLETON—That was the last time you saw her?—Yes.

Were you always quite friendly with her?—Yes.

You knew her quite well and your mother and sister also knew her?—Yes.

*Examination continued*—On Sunday, 15th September, did you see the prisoner anywhere?—Yes, coming home from church I saw the doctor driving his car towards Lancaster. I also saw his car standing behind his house about 10.10—the rear blind was half-down and half-up. On the following night, Monday, 16th September, at about 9.15, a strange car passed me at Green Ayres as I was driving home. The driver blew his horn to attract my attention and pulled up in front, so I pulled up also and got out, walked up to the car, and found the doctor was driving it. He asked me how I was getting on with my examination studies. I asked him if he had been changing his car, and he said, No, but Mrs. Ruxton had taken Mary and the children to Scotland for a few days in his car. He said that Mrs. Ruxton was trying to obtain the Lancashire agency for Murphy's pool business.

# Evidence for Prosecution.

Robert J. Edmondson

On the following Thursday, the 19th, did you see the prisoner again?—Yes, I saw him shortly after three o'clock in the afternoon driving his own car up what is known as Great John Street, coming from the north. I saw him the next afternoon in his own car outside his house. He asked me again about my examinations, and I said he had evidently got his car back again. He said, Yes; Murphy would have nothing to do with the pool business and Mrs. Ruxton was going with her sister to her aunt in London. He did not say she was back, although the car was there. I told him I was going to London on the 22nd. His right hand was heavily bandaged, and he told me he had cut it and that it was poisoned. I next saw him on Sunday, 6th October.

That is after the discovery of the bodies?—Yes. I saw him at his house where I went with my father. I said that I had called to corroborate what my father had said, that I had no knowledge of Mrs. Ruxton's whereabouts—he had seen my father the night before. He commenced by saying that Mrs. Ruxton had a number of faults and the chief was a fondness for gambling; that she had lied and was very extravagant; that he had been very cute, always giving her money by cheque, and he had found that these cheques were being endorsed over to some bookmaker. He said that there were twelve pounds on the table every Monday morning, but that lately he had given her only a pound, which she spent as she wished, and he was settling the housekeeping accounts himself. He said he knew he had lost his temper with her on occasions and had slapped her. He pulled a large number of documents from his pocket, and said he had learned from the letters that she had taken an office in Blackburn and that she had even taken a chair and a desk from his surgery to furnish it. He also produced another letter which he said he had sent to Mrs. Ruxton in Edinburgh, but it had been returned unopened. I did not see the letter, but saw him reading it. My father said that he, my father, was only concerned to remove any doubt at all that I knew where Mrs. Ruxton was. Dr. Ruxton replied that he knew that Mrs. Ruxton had been telephoning to me and that he knew I was visiting the swimming baths and that she also had been; also that when she had been to Edinburgh the previous week she had said that she stayed at her sister's. He then said that he really did want Mrs. Ruxton back and he felt sure that she would be returning some day, and that if ever I heard from her, or even of her, would I try to do what I could to get her to come back.

Did he ever, at that interview, suggest that you were responsible for her disappearance?—No.

Did you part on friendly terms?—Yes. It was perfectly friendly throughout. He shook hands with both my father and myself as we left.

# Buck Ruxton.

Robert J. Edmondson

Cross-examined by Mr. NORMAN BIRKETT—Mr. Edmondson, you were friendly with Mrs. Ruxton in the ordinary social way?—Yes, that is quite correct.

Did you occasionally, as an act of courtesy, drive her and, I think, Mrs. Anderson sometimes, home from the swimming bath?—Yes, if Mrs. Anderson was there she came as well.

With regard to this journey to Edinburgh, do I understand that what you say is that Mrs. Ruxton happened to be going?—Oh, no; I am sorry.

Mrs. Ruxton did go in a car, as we know, to Edinburgh, and you went with your father and mother on the same journey in another car, and you all stayed at the Adelphi Hotel?—Yes.

Was that because it so happened that she was going and you were going, and so you went on the journey together?—No. What happened was this. About a month previously, during the school holidays, Mrs. Ruxton had been going in the middle of the week, and she suggested to my sister that she should go with her for the journey; but that journey fell through; she did not go, and on the Friday morning, when I spoke to her, she said to me she was going the next day to Edinburgh, could my sister go then and could I not take my father and mother.

It is quite clear, is it not, that what Mrs. Ruxton said, if anything, to her husband, you do not know?—I do not know.

On 15th September, you said you were in the neighbourhood of Dalton Square at 10.15. Have you any particular reason for fixing the time?—Yes. I go to church most Sundays; the service commences at 10.30, but I have to be there by 10.15 at the latest. The church is about 50 yards from Dalton Square.

On that morning you say you saw Dr. Ruxton's car in Friar's Passage, the passage behind his surgery. There was nothing very unusual in it being there?—No, certainly not. I often saw it there. I thought from the blinds that Mrs. Ruxton must have come back after dark.

The next matter is about Monday, 16th September. You saw Dr. Ruxton upon that day when he told you that his wife, Mrs. Ruxton, had taken Mary and the children to Scotland?—Yes, he definitely said Mary and the children.

I must suggest to you that you are mistaken about that, and that what he said was that Mary had gone with Mrs. Ruxton to Scotland, but never said "and the children"?—Well, it was firmly fixed in my mind at the time that he put in the words "and the children."

Are you quite clear in your recollection that on 20th September when you saw him he said that she was going with her sister to her aunt in London?—Yes, he definitely mentioned London.

Upon these two matters, namely, "and the children" and this matter of London, you would not dispute that it is possible that you

# Evidence for Prosecution.

Robert J. Edmondson

have made a mistake?—The reason why I remember the children is this, that I was very surprised to learn that they were in Lancaster about a fortnight later, and it occurred to me that there was something wrong in that statement. With regard to the statement about London, I am certain about this.

On 6th October, when your father and you went to Dr. Ruxton's house and had that long conversation, was he tremendously excited and did he seem overwrought?—Yes. He was tremendously excited and he was very upset, you could tell. He was definitely overwrought.

For example, you could have no earthly interest in the domestic economies of the household?—No. You could not stop him when he got going.

I want to get that fact before the Court, and that vivid phrase will do. You could not stop him; it poured out of him?—Yes, quite correct.

Throughout, from start to finish, he did not appear to be in control of himself?—With just odd intervals he was, but mainly he was very upset.

ROBERT BLACKBURN EDMONDSON, examined by Mr. JACKSON—am a cabinetmaker and the father of the last witness. I have known Dr. and Mrs. Ruxton for about two years before the disappearance. On 5th October, 1935, Dr. Ruxton came to see me. He asked where my son was and I told him that he was in Edinburgh staying with some friends. The attitude that the doctor took up and the sly way he asked the question of their address naturally made me think there was something behind this and I asked him why he wanted to know. He burst out crying and I told him to pull himself together and tell me what was the trouble. He said "I am sorry for you. I think a lot about your Bobby, but my wife was going to Edinburgh and Bobby is in Edinburgh, and I know there have been telephone messages." I said that as regard telephone messages these could easily be explained as Bobby would be back that day. He went on to say that he knew Bobby and Barbara went to Edinburgh, and also Mrs. Ruxton, and stayed at the Adelphi Hotel. I told him that I could explain that trip and rather than let him go on talking I explained the trip to Edinburgh to him.

Did you tell him that you were there?—Yes, I told him what had been arranged. Mrs. Ruxton was taking my daughter Barbara, and I suggested to my son that he should take myself and his mother as well—as far as we could go, as I said to him at the time. I said that of course we had stayed at the Adelphi, and he said that his wife had stayed at the Adelphi and had told him that she had stayed at her sister's. I told him that I did not know what she had said this, and he replied that he would like to see Bobby



# Buck Ruxton.

Robert B. Edmondson

About that time I noticed that my wife and daughter were coming in, and the doctor stood up and put his fingers to his lips. I took this to mean not to say anything about it in the hearing of my wife and daughter. He was quite friendly to them. Whenever they came in, he greeted them. My son and I agreed later to go and see the doctor the next day at his house.

At the end of the conversation you had at the doctor's house the next day, did you say something to the doctor about your son?—Yes. I asked him if he inferred at all that my son had anything to do with Mrs. Ruxton going away. He said "Oh, no, no." I said to him, "Well, if I hear of you or anybody else mentioning his name in connexion with Mrs. Ruxton going away now, there will be trouble."

Will you look at the hotel register? [Exhibit 198 produced] You will notice certain entries on 7th September, the date you stayed there. In whose handwriting are they made out?—Mrs. Ruxton's is the first handwriting; the others are in the hands of my wife, myself, my daughter, and my son. My wife and I occupied room 28; my son room 44; my daughter and Mrs. Ruxton, 49 and 50.

Cross-examined by Mr. NORMAN BIRKETT—There were five people in the party. Did you pay for them all?—Yes. The bill was made out in the name of Ruxton, but I did not know that until more than a week later. It was made out for Ruxton and party, and I discharged it.

Mrs. ELEAN MADDEN, examined by Mr. SHAWCROSS—Isabella Ruxton was my sister. I met Dr. Ruxton first in Edinburgh when he was called Captain Gabriel Hakim. On 14th September I saw my sister at the illuminations at Blackpool. She came over to the house where I was staying and we spent the evening together. She left me at about half-past ten, and I went back to Edinburgh on the Monday afternoon. I have never seen her since.

Mrs. ETHEL OLGA JACKSON, examined by Mr. SHAWCROSS—I live at 13 Dalton Square, Lancaster. My two children were friends of Dr. Ruxton's daughter, Elizabeth, and on 14th September they went to his house in the afternoon. About ten past seven I called for them and the door was opened by Dr. Ruxton. He asked me inside and called Mary upstairs. Mary Rogerson brought the children down and I had a little conversation with her and then left. She appeared to me to be quite all right.

Cross-examined by Mr. NORMAN BIRKETT—You had only known Mary Rogerson for a short time as a nursemaid?—Yes.

Did you notice anything about her at all, her hands, for

# Evidence for Prosecution.

Mrs. E. O. Jackson

example?—No, I did not notice her hands; I only noticed the glide in her eye.

GEORGE OXLEY, examined by Mr. SHAWCROSS—I am a labourer My wife used to work for Dr. Ruxton. I remember Dr. Ruxton calling on Sunday, 15th September, at 6.30 in the morning, at my house. He said, “Tell Mrs. Oxley not to trouble to come down this morning Mrs Ruxton and Mary have gone away on a holiday to Edinburgh and I am taking the children to Morecambe, but come as usual to-morrow.”

Cross-examined by Mr. NORMAN BIRKETT—Some weeks after the events of this Sunday the police first asked you to cast your mind back. Did you not find it difficult to remember exactly what had happened?—No.

When you gave evidence at the police court on the Friday at the end of November, you said, “Mrs. Ruxton and Mary are going away on a holiday to Edinburgh”?—Yes.

Then on 3rd December you corrected that to the words you have used to-day. Are you quite sure that what he said was “have gone away” and not “are going away”?—That is what the doctor said to me.

Are you sure that he did not say, “Mrs. Ruxton and Mary are going away for to-day”?—No, he did not

Was Dr. Ruxton wearing a hat?—No He had a bowler hat with him, but was not wearing it.

Re-examined by Mr. JACKSON—Had you ever had the doctor come to your house before at such a time?—No.

At what time does your wife generally go on Sunday morning?—Seven o'clock.

WINIFRED EMMA ROBERTS, examined by Mr. SHAWCROSS—For some months up to the end of September, 1935, I was employed by a Mr. Graves, newsagent, Lancaster. Part of my work was to deliver newspapers, including papers to Dr. Ruxton's house. On week-days I delivered the *Daily Express* and on Sundays the *News of the World*, *The People*, and *Sunday Pictorial*. I rang the bell at Dr. Ruxton's house on 15th September at nine o'clock. There was no reply, and after going away for ten minutes I rang again three times. Dr. Ruxton opened the door after about three minutes. Previous to this it was always the maid, Mary Rogerson, or the charlady who opened the door. I said I was sorry to disturb him and asked for two weeks' payment for the papers. He said that his maid was away with his wife in Scotland. He was wearing a pale cream shirt and light grey trousers and appeared to be very agitated. I was in Dalton Square from nine till half-past within sight of Dr. Ruxton's door and neither Mrs. Ruxton nor Mary

# Buck Ruxton.

Winifred E. Roberts

Rogerson came out. I could not have seen them if they had gone before that hour.

Cross-examined by Mr. NORMAN BIRKETT—How long had it been your habit to deliver papers every Sunday morning at 2 Dalton Square?—For about five months.

And were the papers always as you have enumerated?—Yes.

It had been your habit to deliver the papers on Sunday mornings at about a quarter-past eight; this was the first time you had delivered them at nine o'clock?—Yes. It was an alteration in my route which took place for the first time that morning.

How did you fix the time as nine o'clock?—I am sure it was nine, because nine o'clock was struck by the Town Hall clock when I was in the square.

When you rang three times and Dr. Ruxton came, did you notice his hand?—He had got his hand against his body.

Was it bandaged?—Not that I could see.

If it had been bandaged, would you have seen it?—If his finger had been bandaged I should not have seen it from the position he was holding it.

Supposing a bandage had been round the hand, would you have seen it?—If it had been above the knuckles, but he was holding it in such a position that I could not see the knuckles, only the back of the hand. At first I thought he was holding up his trousers, but there was really no need, because they were fastened. He was very agitated.

How came it that he said his wife had gone with the maid to Scotland?—It was his remark to me when I said I was sorry to disturb him.

Did you ever deliver to that house the *Sunday Chronicle*?—Never.

Did you always deliver the *Daily Express* on weekdays during these five months?—Yes.

Did you ever deliver the *Daily Herald*?—No.

What was the weather like as you stood in Dalton Square that morning at 9.10 to 9.30?—It was fairly bright; it had been raining earlier on in the morning, but it was not raining whilst I was there.

THOMAS RICHARD PARTRIDGE, examined by Mr. JACKSON—I am a labourer and I also deliver papers for a Mr. Capstick. On 15th September, 1935, I delivered the *Sunday Graphic* at Dr. Ruxton's house at about a quarter-past ten. I knocked at the vestibule door several times but got no reply, so I pushed the paper under the door. I knocked for the paper money as I get paid on Sundays as a rule.

# Evidence for Prosecution.

Thomas R. Partridge

Cross-examined by Mr. NORMAN BIRKETT—Did you knock very loud?—Yes.

The door was as it usually was—the front door open and the vestibule closed?—Yes.

For how long have you been delivering the *Sunday Graphic*?—For about a year.

Did you knock every time?—Yes.

Mrs. MARGARET MARIA HINDSON, examined by Mr. MAXWELL FYFE—I am in the habit of delivering milk each morning at Dr. Ruxton's house at 2 Dalton Square. On 15th September I delivered four pints as usual. I arrived at the house about ten o'clock and rang the bell. The doctor answered the bell and told me that his wife and maid had gone away with the children, and that he had been to tell the charlady not to come and that he had jammed his hand. He told me to leave the milk on the table in the hall. I usually went through the passage of the ground floor and left the milk in the scullery. I always rang the bell and usually Mary or Mrs. Oxley answered the door.

Cross-examined by Mr. NORMAN BIRKETT—Are you sure Dr. Ruxton said "with the children"?—That is what I understood him to say.

He seemed quite ordinary and normal when he talked to you?—Yes.

Do you not think that he said "jabbed" and not "jammed" when he spoke of his hand?—No.

By Mr. JUSTICE SINGLETON—It was a little unusual, I suppose, for him to come to the door, was it?—Yes.

Had it ever happened before as far as you know?—Well, he had opened the door once or twice, if he happened to be in the surgery.

In the ordinary way you took the milk into the scullery?—Yes.

On other occasions when he opened the door?—I took it through just the same into the scullery.

And this time he told you to put the milk on the table?—Yes.

JOHN WAITES, examined by Mr. JACKSON—I am a garage proprietor at 8 St. Paul's Road, Lancaster. Dr. Ruxton used to have a private lock-up there. Either the doctor or Mrs. Ruxton drove the car; no one else. I got to the garage at 10 a.m. on Sunday, 15th September, 1935, and the doctor's car was not in his garage. The doors were open. He used to buy petrol from me every other day.

Cross-examined by Mr. NORMAN BIRKETT—If Dr. Ruxton was supplied with keys, he or his wife could, at any time, take out the car, and return it when they wished and close the garage without your knowledge?—Yes, they could; they had keys.

# Buck Ruxton.

John Waites

Suppose somebody came and took the car out, is it a fact that that could be done without anybody in the garage knowing it, or would they of necessity see it?—They would see it.

Did a telephone message sometimes come round for you to deliver the car at 2 Dalton Square?—Frequently.

Did you see Dr. Ruxton's Hillman Minx in the garage on Sunday, the 15th, in the evening?—No.

You cannot tell whether it was there or not?—No.

On the morning of the 16th, did you receive a telephone message from Dr. Ruxton to bring the car round to 2 Dalton Square?—No.

Supposing that Dr. Ruxton did telephone that morning, would there be any book or document in your possession to show it or corroborate that fact?—No.

I presume that it must be the person who received it who could speak to it. Do you know whether anybody in your premises did receive such a telephone message?—No, I do not know.

If a mechanic delivered the car as suggested would there be any record to show for it?—It ought to be entered on the man's time sheet.

Are these time sheets available?—I do not know. I shall endeavour to check this, but the sheets are only kept for three months. I shall find out if they exist, and if any entry is there for the morning of the 16th.

Do you wash cars at the garage?—Not Dr. Ruxton's.

Have you any recollection of when you next saw that Hillman Minx?—I have not.

It is obvious that a car, on a rainy night, if it had travelled some considerable distance, would be mud-splashed?—Quite so.

Re-examined by Mr. JACKSON—Has anyone visited your garage or asked for your books since you gave evidence at Lancaster?—No.

Has anyone asked you to keep them or retain them in any way?—No. What we have done is, we have submitted a record of the three months prior to September to Dr. Ruxton's solicitor.

Further cross-examined by Mr. NORMAN BIRKETT—Are the sheets that you have submitted those of which you have spoken?—No; they are of work and sales, not time sheets; petrol given to the car and so forth.

Should any record of a telephone message be on these?—Yes.

You delivered an account of the petrol and repairs covering a very long period from June, 1935, to October; was that taken from the ordinary ledger?—Yes.

Was there on the 16th, which is the very day that I am putting, included in that bill, a charge for 6d. for the delivery of the car?—If that is on the account it will be correct.

# Evidence for Prosecution.

John Waites

That would mean that on the 16th the car had been delivered from the garage to the house?—One car would be delivered.

You do not know which car it was?—No.

JOHN WILLIAM LONGTON, examined by Mr. JACKSON—I am a labourer employed by Mr. Waites at Nelson Street Garage. I know the prisoner; I supplied him with four gallons of petrol about eleven o'clock in the morning on Sunday, 15th September. It was put in the tank of Dr. Ruxton's Hillman.

Cross-examined by Mr NORMAN BIRKETT—After you put the petrol into the car did you see it again that day?—I never saw it again that day.

Did you see it the next day, the Monday?—No.

You did not deliver it to Dalton Square?—No; the car was not in the garage at all on Monday.

Will you confine yourself to the question. You yourself did not see it in the garage, and if it was delivered from the garage you did not do it?—No

You yourself did not see it in the garage after eleven o'clock on the Sunday morning?—No.

You have no means of knowing whether it was in the garage at night?—No, I could not really say it was in on that Sunday night.

If there was a charge made for delivery, unless there was a mistake, somebody delivered it?—Yes.

You have plenty of mechanics there, I take it, who drive cars, and if you were away at lunch or breakfast and a car was urgently wanted somebody else would do it?—Yes

What time do you start work on Mondays?—At eight o'clock.

Was anybody on duty before you?—No.

Re-examined by Mr. JACKSON—What hours do you work on Monday?—8 a.m. until 11.30 and 12.30 until 5 30 p.m.

Except for the period between 11.30 and 12.30, could any car have gone out without your knowledge?—No.

Did you see Dr. Ruxton at all at the garage on Monday at any time with or without his car?—No.

WILLIAM HENRY WAITE, examined by Mr. JACKSON—I work at the Midland Station Garage, Lancaster, which is run by my father, Herbert Edward Waite. Dr. Ruxton was not a regular customer of ours; he has been only three or four times at our garage during the last year. On Sunday, 15th September, I supplied him with two two-gallon tins of petrol which I took to his car and put in the front seat. There was no one in the car besides the doctor. I put the tins in at about 10.30 on the Sunday morning. The car was a small stone-coloured saloon car, but I could not say of what make

# Buck Ruxton,

Mrs Isabella Whiteside

Mrs. ISABELLA WHITESIDE, examined by Mr. MAXWELL FYFE—On 30th August, 1935, I took my little boy, Ronald, to Dr. Ruxton to arrange for an operation which was fixed for 15th September. On that date I went to Dr. Ruxton's at about 10 minutes to eleven o'clock accompanied by my boy and a Mrs. Gilbert. Dr. Ruxton answered the door. He said, "I am sorry, Mrs. Whiteside, but I cannot perform the operation to-day as my wife is away in Scotland and there is just myself and my little maid, and we are busy taking the carpets up ready for the decorators in the morning."

Did he draw attention to any part of himself?—Yes. He said, "Look at my hands, how dirty they are," but I could only remember seeing one hand, the left one. He only opened the door about a foot, so I presume the other hand must have been behind the door. He had on a grey suit and collar and tie. He made an appointment for the following day at 11 o'clock.

Cross-examined by Mr. NORMAN BIRKETT—Do you find it a little difficult to follow the doctor's words?—Yes. He speaks very fast.

You have said that he said, "There is only me and my little maid here." Could he not have said "There is only me and my little mites here"?—No; he said "maid."

Mrs. ETHEL ANDERSON, examined by Mr. MAXWELL FYFE—I knew both Dr. and Mrs. Ruxton socially for about 18 months. On Sunday, 15th September, Dr. Ruxton came to my house about half-past eleven in the morning. He brought the three children with him and asked me if I would do him the favour of keeping them with me for the day as Mrs. Ruxton had gone away with Mary for a few days. I agreed to do so.

Did you notice something about him?—Yes. I noticed his right hand was bandaged. I asked him what he had done with it, and he replied that he had cut it with a tin-opener that morning in making breakfast for the children.

Did he tell you when he would come back for the children?—He said he would come back later as he had a case or two to attend to. He returned about half-past five or so and asked me and my husband to go for a drive with him. Mr. Anderson could not go as he was in bed, and my husband suggested that the children should stay with us for the evening on account of the doctor's cut hand. I went with him in the car to fetch the children's night clothes.

Where was the first place you went to?—We went to the house of Mary Rogerson's parents. A visitor opened the door and there was some conversation. I only heard a part of it, something about Mary having gone away for the week-end. We then went to the doctor's house and he and his eldest girl, Elizabeth, went in whilst I remained with the other two children in the back of the car. On

# Evidence for Prosecution.

Mrs Ethel Anderson

the way home the doctor asked me to get 2 lbs. of cotton wool at Taylor's, chemists, Regent Road, Morecambe. I think he said he was rather short in the surgery. I also got a small bottle of aspirin and Elizabeth got out and got a bottle of Dettol disinfectant. We went back to my house and dropped Billie, the youngest child, and then we went on the length of the promenade to show the other children the lights. The doctor left our house about half-past nine

Do you remember what he said as he was going back?—He would call for the children in the morning about half-past nine or ten o'clock. He said he was going to do his night calls and surgery when he got back.

Did you see him the next night?—Yes. He came about half-past nine in the evening and asked if the children could stay another night. We agreed, and he came the next morning, Tuesday, the 17th, and took the children away about ten o'clock.

On the following day, Wednesday, did you see him?—Yes. He came about two o'clock with the two youngest children. The eldest was in a procession. He took us to the promenade and left us there. He came back to the house about five or six with Elizabeth, and the children stayed the night.

What time did he eventually leave the house on the Wednesday?—I do not know whether he went about seven o'clock to the surgery, though he did come again later in the evening and stayed until about a quarter to one, because he fell asleep, he was so tired. He was there, as near as I remember, from eight o'clock until a quarter to one. He fell asleep in an arm-chair in the front room. I did not see him at all on the next day, Thursday. I sent the maid down to Dalton Square with the children.

The doctor did, I think, call on you on succeeding days. During that time did he on any occasion, except the one you have told us about, refer again at all as to where his wife was?—Yes, many times. He said he wished she would come back again. He neither said where she was nor where she was going. I think he thought she was going into business.

By Mr. JUSTICE SINGLETON—What did he tell you?—At first he said, "She is going on a holiday," but later on he said she might have gone into a business with Mary, the nurse girl.

*Examination continued*—Did he say anything about what Mary had or had not taken with her?—He did not mention Mary. He said Mrs. Ruxton had taken all her clothes except her Scotch kilt.

Before that 15th September had you ever suggested to the doctor that Mary was pregnant?—No, the doctor must have been mistaken on that.

Cross-examined by Mr. NORMAN BIRKETT—On Sunday, 15th, he came down with the children and asked if they could stay the



# Buck Ruxton.

Mrs Ethel Anderson

day, and it was your kindness that suggested that they should stay the night?—Yes.

He agreed, and you then went back for their night-clothing. It was on the way back from his house that you called at Taylor's Drug Stores?—Yes.

You wanted some Aspros, and that was really the purpose of stopping at the chemists?—The doctor said he wanted some cotton wool.

Do you remember whether the cotton wool was mentioned first or the Aspros mentioned by you?—Yes; I think the doctor mentioned cotton wool first.

And the little girl wanted some Dettol?—The little girl did not want it, but her father asked her to get it. It is a disinfectant. It is an antiseptic for wounds and cuts?—Yes.

On Thursday, 19th September, could your memory be at fault? Did the doctor not come that day?—No.

You will remember a talk that Dr. Ruxton had with you about him going to Blackburn. Do you think that that conversation brings back the Thursday to you?—He did not come on Thursday, because I have a very retentive memory for times and I went through every detail. The maid was in the house all the morning, my husband was at home all the time, and my sister came over about half-past one and stayed until ten o'clock at night, and he was not in the house at all.

Did you know Mary Rogerson well?—Yes, I knew Mary very well.

Did you notice her hands at any time?—No.

You cannot tell us whether there was anything defective about her hands?—No.

Did you go to Dalton Square a good many times?—Yes.

Did you go into the bathroom on any occasion?—Yes.

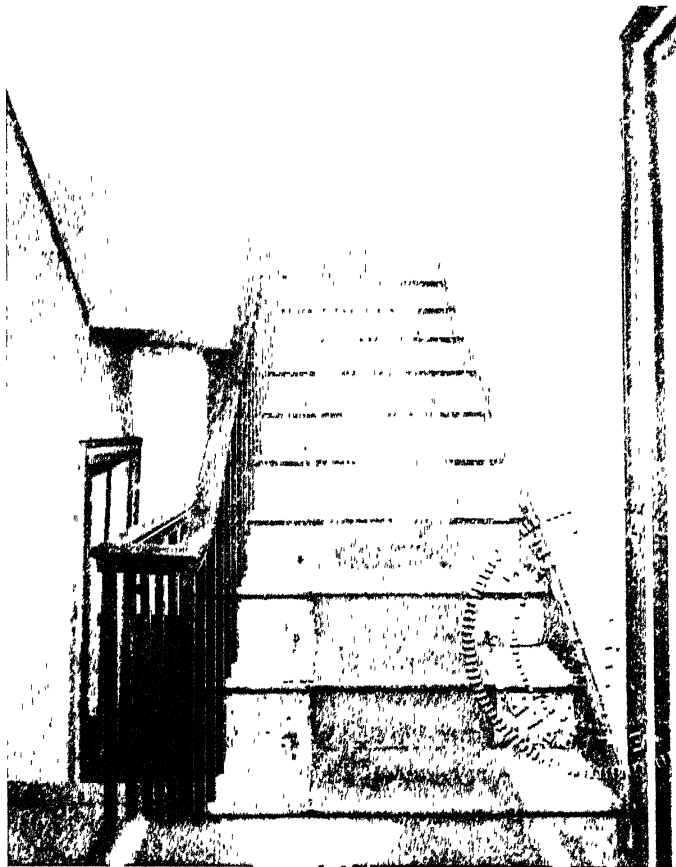
In the bathroom there was a geyser. Did you on some occasions notice that the bath was rather discoloured from the action of the geyser?—Yes, at times I did notice that.

There was a certain amount of rust from it that made a discolouration?—Yes. I specially noticed it.

Re-examined by Mr. JACKSON—When you get rusty water running from a geyser, where does it leave a mark?—I could not really say; I just noticed that it was discoloured.

By Mr. JUSTICE SINGLETON—Do you mean the bath was discoloured throughout or just in one place where the water ran in from the geyser?—Well, I could not say. I think it was dyed in two or three places.

Mr. NORMAN BIRKETT—May I say this while it is fresh in your lordship's mind, lest I should create a false impression about the



**View of Staircase taken from Landing immediately above Bathroom  
Landing, showing Bathroom Door on left, and Entrance to  
Dining-room on right**



# Evidence for Prosecution.

Alwyn Hampshire

geyser and the rust. My case is going to be that the rust was from underneath the geyser itself. It did not come out with the hot water, but it was the rust that fell from the bottom

The Court adjourned.

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## Third Day—Wednesday, 4th March, 1936.

ALWYN HAMPSHIRE, examined by Mr. JACKSON—On Sunday, 15th September, 1935, I was standing outside my house at 73 Bulk Road, Lancaster, and Dr. Ruxton drove up in a car about 40 yards away and shouted at me. He asked if my mother was in, and if she was he wanted her to go up to his house and clean up a bit, that he was having the decorators in the next day, and had pulled the carpets up; he also told me he had cut his hand. I told my mother and she drove off with him in his car.

Mrs. MARY HAMPSHIRE, examined by Mr. JACKSON—For six or seven years I have been a patient of Dr Ruxton Prior to 15th September, 1935, I had never done any work for him. On that date he called at my house and asked me if I would go and help to tidy his staircase up, as he had pulled up the carpets, getting ready for the decorators coming in the morning, and, owing to the fact that, as he had cut his fingers, he could not do it himself, he wanted me to help him out. I went with him in his car, and he said that he had cut his fingers very badly opening a tin of fruit.

Did you ask him anything about Mrs. Ruxton?—Yes. I asked him where she was, and he said she was at Blackpool.

Did you ask him anything about Mary, the maid?—Yes. I asked him where Mary was, and he replied that she had gone on a holiday.

Who let you into the house when you got there?—The doctor.

Did he offer you any payment?—Yes. He said he would give me 7s. 6d. if I would scrub down the staircase.

Did you notice any sounds when you went into the house?—Yes, the wireless was full on; there was nobody in the house.

When you got into the hall, what did you notice with regard to the stairs?—I noticed the stairs were in a dirty condition. There was straw from the hall right up to the top storey, and there were no carpets either on the stairs or on the landings. I went first into Mary's room and then into the bathroom. The doctor showed me how to get hot water from the geyser.

In that bathroom, what was the condition of the bath?—It was a very dirty yellow right up to about six inches from the top. It

# Buck Ruxton.

Mrs Mary Hampshire

was all over the bath, but underneath, where the tap dripped, there was the same as though it would be a permanent stain. I was very much surprised and told the doctor so. He asked me to give it a good clean, and took me to the cellar where he placed a shilling in the meter so that I should have plenty of hot water. He then left the house; that would be about half-past four. I then swept all the stairs down. They were very, very dirty owing to the fact that the carpets had been pulled up.

And what was there on the stairs?—Just straw; not a lot; just as if someone had been carrying an armful of straw and bits had fallen off as the person had walked up the stairs. I swept them down to the bottom, cleared up the straw, and put it in a bucket under the sink. I gave the bath a good scrub with hot water and Vim. I could not get the stains off.

Who told you it was the maid's room that you went into?—The doctor.

Did you notice the other two bedrooms at the top of the stair?—Yes. They were both locked and I did not see any key whatever. I looked for a key as I wanted to get the bits of straw from under the doors when I was sweeping up.

Were the rooms under the bedroom floor open or locked?—They were all open. There were no other doors locked.

Did you notice anything on the table in the lounge?—Yes, tea or supper laid for two. There were bread and butter, cakes, stewed blackberries, the remains of a fruit salad, and a chocolate blancmange. There were also plates, cutlery, cups, and saucers. The meal had not been touched. There was a roast of meat that was uncooked in the house.

Did you notice anything in the waiting-room?—I noticed some carpets rolled up, a suit, and some stair pads.

You went into the yard. What did you see there?—Several carpets—two landing carpets, and the rest were stair carpets.

Was there anything about those carpets?—They were stained. One in particular was heavily stained with blood.

Apart from the carpets, was there anything else in the yard?—A blood-stained shirt and some badly stained large towels.

Had anything else happened to the towels?—They had been half-burned. There was also an empty packet of Lux thrown down at the bottom of the stairs. All the other things were on a stair carpet in the middle of the yard. There was another carpet under the fall pipe.

Did you ask the doctor before he left if you could get help?—Yes. I asked him if I could bring my husband. My husband arrived about seven o'clock, and I had been alone since four o'clock.

Were there many dirty articles for washing up?—Just a few. I did these in the kitchen.

Did you see any fruit tins either opened or unopened?—No.

# Evidence for Prosecution.

Mrs Mary Hampshire

Did anyone else come to the house before your husband?—Yes. The doctor arrived with Elizabeth and Diane. He said he had come to fetch the children's nightdresses as they were going to stay with Mrs. Anderson for the night. I asked if I could help to find the dresses, but he said no, that he could manage. He went upstairs with the children, and came down again after my husband arrived.

When he came downstairs, did he invite you anywhere?—Yes, into the waiting-room.

What did he say there?—He said that if the carpets and the suit were any use to us we could have them. He said that the suit was badly stained and in a very bad condition, but that it was a good suit and I could have it cleaned. It was badly stained with blood. He said he had worn it that morning when he had cut his finger. He also said that I could have the carpets in the yard, but it was raining very heavily at the time and I could not take the carpets away with me they were so wet. He then went away.

Did your husband do anything to the stairs?—Yes, he scrubbed the stairs. I scrubbed the bathroom floor; it was black and white linoleum.

Did you notice anything about it?—I noticed that blood had dripped on it and it had been roughly wiped up. I noticed that the lavatory was not very clean.

In what condition was the bench at one side of the bathroom?—It was not very bad.

When did you leave the house?—About half-past nine.

Did you take anything with you?—Yes; we took the suit, the three stair carpets that were in the waiting-room, and the pads.

How did you leave the house?—We turned the lights out, locked the vestibule door, and took the key.

When did you next see the doctor?—At nine o'clock the next morning, Monday. He came to our house and walked in without knocking. I said how ill he looked, and he said that he was, and that he had been awake all night with the pain in his hand. He asked what we had brought away the night before and I told him the suit and the carpets. He then asked where the suit was and I told him it was lying on the table. He walked to the table and picked it up and said that he had not realized what a dirty condition it was in and that he would take it away and get it cleaned. I said that as he had been good enough to give us the suit, I could surely pay for the cleaning.

When you said that, what did the prisoner then do?—He said, "Look inside the pocket."

Did he point out something in the pocket?—Yes, he pointed out the maker's tab, and the doctor's name.

Having shown you the tab inside that pocket, did he ask

# Buck Ruxton.

Mrs Mary Hampshire

you for something?—Yes; he asked for a pair of scissors, but as his hand was too badly cut, I cut the tab out for him

The names on the tab were "Epstein" and "B. Ruxton," I believe. Did you know who the former was?—No.

Did you cut it out at once when he asked you?—I said I would cut it out after he had gone, but he said no, to do it now. He said it was very undignified for a man to wear another man's suit and for other people to know about it. After I had cut it out and was holding it in my hand, the doctor said "Burn it; burn it now." I then threw it on the fire.

What was the next thing he asked you?—He asked me to go to his house as his charwoman was ill, would not be able to go that day, and he wanted me to open the door to his patients.

Did you ask him that morning where Mrs. Ruxton was?—Yes. He said she was in Edinburgh. I told him he ought to send for her to come back when he was so ill, but he said he did not want to spoil her holiday.

Have you known the doctor long?—Yes, I have.

What has always been his appearance and dress?—Extremely smart—always.

What was his condition on that morning?—He was not shaved. He had no collar and tie on, and was wearing an old raincoat. I did not notice his trousers. I had never seen him in that condition before.

After he had gone did you do anything with regard to the things that were there?—Yes. I thought when I had seen the suit was so badly stained, I would see what the carpets looked like, so I cut the string from the carpets and looked at them. One was not so bad, and one had just one blood mark on it, but the amount of blood on the third carpet was terrible. It was still damp where the blood was, and it had not been out in the rain. I laid the carpet in the backyard and threw about 20 or 30 buckets of water on it to try to wash the blood off, and the colour of the water that came off was like blood. I threw it on the line and left it to dry, and when it was wash-day I had another go at it with the yard brush and water and still could not get the congealed blood off.

I understand that the suit consisted of a coat, trousers, and a waistcoat. What was their condition?—The waistcoat was badly blood-stained, and as I could not do anything with it I burned it. No one has worn the coat or trousers.

The doctor had asked you on that morning if you would come later in the day to attend his surgery. Did you go?—Yes, about half-past twelve.

Which portion of the house did you go to?—I went right up to the top to see if there was anybody in the place. There was

# Evidence for Prosecution.

Mrs Mary Hampshire

no one. The rooms on the top were both locked and the keys were missing.

When did the doctor come back?—Between one and half-past; I was in the waiting-room. I asked him why he had sent for me when there was nothing in the place to do. He said: "I have sent for you because you give me courage." I asked him if he had had his dinner, and when he said he had not, I got him to telephone a restaurant to ask them to send some up for him. I went upstairs with him to the lounge. I asked him why, when he was so ill, he did not send for the missus to come back. He replied that she was in London. I then told him he was telling lies and he said he was, that he was the most unhappy man in the world, and that his wife had gone off with another man and left him with the three children. He said, "You make a friend of a man, you treat him as a friend, and he eats from your table, and he makes love to your wife behind your back. It is terrible." He was awfully distressed and laid his head down and cried.

After his lunch I think he had his surgery that afternoon. Did anyone call at the house?—Besides his patients, the dustmen came. The dustmen had to come to the front door as the gate of the backyard was locked. The doctor unlocked it for them. They came about three o'clock.

You know where the dustbin is kept?—Yes. In the yard as you go down the steps on the right.

What was there in the yard at that time?—There were all the carpets, and the blood-stained shirt and towels, and a lot of rubbish down in another corner with some more blood-stained things underneath it. It was clothing and was blood-stained, but I could not tell what the clothing was; it was covered up with something as though someone had been scraping the wall and all the scrapings of the wall had been shovelled up over it.

Did the prisoner say anything to the dustmen?—Yes, he asked them to clear out the whole of the yard and to leave only the carpets if I wished them. They did this and also took away the carpet which had been burned. I left at five o'clock.

On the previous day, the Sunday, did you catch your foot anywhere?—Yes; on a tin of petrol that was behind the cellar door—behind the back door and in front of the cellar door. It was a red tin and was not empty as I kicked it over and spilled it over my foot; there was no cap on it. The doctor said he had tried to burn the shirt and towels with the petrol, but they would not burn being so wet.

When next did you see the doctor?—I saw him at three o'clock on Thursday, 19th September, at his surgery. He asked me if I had had the suit cleaned. I said I had, although I had not. He again asked me on 30th September when he came to our house.



# Buck Ruxton.

Mrs Mary Hampshire

He also said, "I have a great joke for you, Mrs. Hampshire, the police have been questioning me about the Mrs. Smalley business."

Mr. JACKSON—I would like the jury to understand with regard to the conversation now, my lord. Of course, there is no suggestion with regard to the incident referred to that it has any connexion with the prisoner; but the police were inquiring into the death of another lady in Morecambe, and that lady's name was Mrs. Smalley.

Mr. JUSTICE SINGLETON—I do not see that that has anything to do with this case.

*Examination continued*—When did you see the prisoner again?—On the Thursday before he was arrested. He came to our house and asked what I had done with the suit. He asked about four times in all about the suit

What condition was he in?—He was in a terrible way.

Did he say why he had come?—He said the police had been questioning him about Mary Rogerson.

And having told you that, what was the next sentence?—"What did you do about the suit?" I said it was upstairs.

What did he say then?—He asked me to burn it.

And then?—He asked if I had got the carpets cleaned, and I told him that he was standing on one and he said that I had got it fairly clean.

Did he ask about the others?—Yes. I said the other was awful and I could not get it clean. He asked me to burn it.

When he was speaking about the suit, did he say something about you and him?—Yes, he asked me if I would stand by him. He said he had not a friend in the place, and I said I would do what I could.

When he left, did he tell you where he was going?—Yes; he said he was going to make a statement to the police, and asked me if I would wait until he had given his statement before I gave mine.

Cross-examined by Mr. NORMAN BIRKETT—How long did the conversation on Sunday, 15th September, last?—Just a few minutes.

Was anything said by him that his wife had been to Blackpool the day before?—He just said she was at Blackpool.

It was when the carpets had been already taken up that he mentioned that the decorators would be coming in on the morrow?—Yes.

Now, when you both went into the house, did he show you what he wanted to be done?—No.

He did not go over all the house with you?—Yes. I had never been in his house before except for the surgery, and he

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Mrs Mary Hampshire

took me upstairs on to the top landing and showed me Mary's bedroom.

Did you understand that what you were really going for to the house was to tidy up generally?—Yes.

And so far as you knew it was because the house was in an untidy state because of the advent of the decorators the next morning?—Yes.

When you go from the hall, you go up a flight of stairs: there is the landing where the bathroom is, and then a little flight of stairs to the next floor; turn to the left and two flights of stairs bring you to the top floor?—Yes.

Were all the carpets off all the stairs?—Yes.

Did you see any stain of blood at all upon any of the wood stairs?—No.

The carpet that you say was terrible, is that obviously a stair carpet and not a landing carpet?—A stair carpet.

Now in the yard there was a carpet for the landing, was that the one on which a blood-stained shirt was lying?—No. I said it was on a stair carpet and not on a landing carpet.

You said the towels that were in the yard were large towels?—Yes.

They were surgery towels, hand towels, were they not?—I do not know. I did not pick them up.

Was there any place in the yard where it was manifest that a fire had taken place?—No.

Just the articles were half-burned?—Yes.

You say you saw no signs of a fruit tin Did you look in the dust bin at all?—No.

If there were empty tins thrown away, that is where they would be in the ordinary way, I presume. For all you know there may have been one there?—Yes.

You saw the remains of a fruit salad on the table. Can you tell us what kind of fruit there was?—I saw cherries in it, but I cannot recall what else there was.

When the doctor came back, he went upstairs with his children?—Yes.

Did you hear him go into the children's bedroom to get their clothes?—No, I did not.

Did you hear the sound of doors being unlocked or locked?—I do not think I noticed.

It is quite clear that with his two children the doctor went upstairs, and must have gone into the room of Mrs. Ruxton for the children's night things?—He must have gone into one of the rooms, because he came down with the nightdresses in a case.

How long do you think he was up there?—About three minutes

It would have been a very simple thing for Dr. Ruxton to

# Buck Ruxton.

Mrs Mary Hampshire

say to the children, "Stay here with Mrs. Hampshire while I go upstairs"?—Yes.

But he did in fact go up with them?—Yes.

By Mr. JUSTICE SINGLETON—Do you know whether they went right to the top of the house?—I do not know, but the fact that Elizabeth came down carrying the case——

Rather points to the fact that she had been to the bedroom to get the case herself?—Yes, I thought so.

*Cross-examination continued*—Now with regard to what he said about the blue suit—I suggest you have made a serious mistake, and that he never said to you "That was the suit I had on this morning when I cut my hand"?—But he did.

Did you notice at the time that there was a spot of blood on the linoleum floor of the bathroom which appeared to have been wiped up?—Yes.

You had no suspicion that the discoloration of the bath was in any way due to blood?—No.

And in that bathroom, other than those spots of blood in front of the w.c., and the suggestion with regard to the bath, was there any more evidence of any blood anywhere that you could see?—No.

The blood by the w.c. seat, which appeared to be wiped up, just appeared to be a slight drip?—Yes, it may have been from the doctor's hand, which I thought it was.

Might it be a drop, for example, of menstrual blood?—It may have been.

You cannot say more? But you will agree, I am sure, that when women are having their periods and that kind of thing, this sometimes happens?—Yes.

Now with regard to the geyser; did you notice that it was a bit rusty at the bottom?—Yes.

Was there any evidence that rust had fallen from it into the bath which might have caused the discoloration?—No, I thought that the permanent stain on the bath was with the water dropping from the geyser.

Could you scrub it clean?—No.

It was of such a nature that with all the scrubbing in the world, using Vim and soap, you could not get it clean?—No.

Did you use a bucket?—Yes

What did you do with the soapy water?—I poured it down the lavatory in the bathroom I used just ordinary soap.

There have been occasions when quite forgetfully you have left a light on?—Well, it was not that time, when we left

By Mr. JUSTICE SINGLETON—What makes you remember that so clearly?—The doctor said to me, "You put all the lights off, Mrs Hampshire, and see that the door is locked, as I shall not be back";

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Mrs Mary Hampshire

and when we were finished and ready to go home I told my husband that he should go right upstairs, and we went right up to the top, both of us, and came downstairs, and I definitely know that the light was put off.

*Cross-examination continued*—The doctor said he would not be back. Was that when he went away with the children? What were his words?—"I may not be back, so you had better take the key."

Was anything said when you left about returning the key?—No, I had intended going back on Monday to return the key.

When you took the coat you noticed the blood-stains. Did you notice whether they were fresh or whether they were old?—I did not notice very much; but I understood the doctor to say that he had cut his hand, and that was the reason for the blood-stains on the coat.

When he came on the morning of Monday, 16th September, to your house, as you have said he did, that was the morning when the tab was cut off the suit?—Yes.

You told us about the tab, and that he said, "Burn it; burn it now"?—Yes.

When you gave evidence before you said that he said, "Throw it in the fire; throw it in the fire." Which was it?—I am not quite sure, but it amounts to the same thing.

In substance I agree that it is the same, but I have to challenge you about that morning, and I wish to see whether your recollection is good. Are you quite sure the tab was cut off that morning?—Yes, I am positive.

You will see from the coat that the hanger at the back has gone. You know from experience that occasionally in coats the coat hanger has the name of the tailor upon it?—Yes.

Did you ever see the coat hanger on this coat at all?—No.

In regard to that interview on Monday, you stated that the doctor said that his wife had gone to Edinburgh. As he had previously said Blackpool, did that not surprise you?—Yes.

Did you not point out the difference?—No.

On the afternoon of the same day, Monday, you went to the house about half-past twelve. I believe a solicitor came to see him. Did he appear distraught that afternoon?—Not after the outbreak at the dinner time when he was awfully upset.

At the time he was using language like, "You give me courage, I sent for you because you give me courage," did he appear to be distraught, utterly upset, and quite a different man from what he was when you saw him in the morning?—Yes. He then appeared quite ordinary apart from looking really ill.

I gather you never thought it was an exceedingly strange thing

# Buck Ruxton.

Mrs Mary Hampshire

until subsequent events made you think so?—I thought it strange when the doctor made me cut the tab out of the suit.

Did it strike you again as being strange when in the afternoon he said his wife was in London after saying before, Blackpool?—I said, "I think you are telling lies, doctor." He was awfully distressed when he said she had gone away with a man, and I recall since that he said he could forgive extravagance or anything else, but infidelity never.

That was what appeared to be upsetting him?—Yes.

When the dustmen came, did they take away one dustbin only?—They only took the contents of it away.

The scraping of the wall was in the yard?—Yes. It was a big heap; there was nothing else with it that I could see. There was other debris in the yard apart from the scraping.

Did you see any burned paper?—No.

Now on the 30th something was said about Mrs. Smalley. Was Mrs. Smalley a woman whose body was found in a small back passage in Morecambe?—Yes.

Did you know whether the police had inquired about it from the servants of Dr. Ruxton?—No. All I know was that the police had been questioning him about her death.

Did he give you the impression that it was so incredible his being asked about it?—Yes.

Now on the last time you saw the doctor, 10th October, he said the police had been questioning him about Mary Rogerson. Did he seem very upset?—Yes.

He also said something about the suit. Are you sure he used the words "Burn it"?—Yes; he said, "Do something about it; do something about it; get it out of the way; burn it."

Had he at any time said anything about where Mary Rogerson might be?—No.

He told you originally that she had gone for a holiday?—Yes.

Re-examined by Mr. JACKSON—When the prisoner told you that the police had been questioning him about the death of Mrs. Smalley in Morecambe, I understand he was highly amused?—Yes, he was.

When he told you that they had questioned him about Mary Rogerson, was he amused then?—No.

What was his state then?—He was frantic.

HERBERT HAMPSHIRE, examined by Mr. MAXWELL FYFE—On Sunday, 15th September, 1935, in answer to a telephone message from my wife I went to Dr. Ruxton's house at 2 Dalton Square, Lancaster, at about seven o'clock. Dr. Ruxton was standing at the bottom of the stairs and he asked me what I was doing there. He then went upstairs to collect the nightdresses for his children.

# Evidence for Prosecution.

Herbert Hampshire

There was dirt and dust and straw littered about the hall and my wife was sweeping down the steps up to the time the doctor left the house. There were no carpets on the stairs. After Dr Ruxton had gone upstairs he returned in about four minutes with Elizabeth, the eldest child. My wife and I went into the waiting-room with the doctor, and he showed us some carpets and told us we could take them away if they were any use to us. There was also a blue suit, and he said, "You may take that away too, but it is blood stained owing to the fact I cut my hand and wiped the hand down on the lapels of the coat." We thanked him and he then left. I then scrubbed the stairs down from top to bottom. I used a bucket, a floor cloth, a scrubbing brush, hot water, and soap.

When you were looking for the bucket, did you go into the scullery?—No. In the first place, I did not know where the scullery was. I opened the door underneath the staircase. In front of the door was a petrol can, and on opening the door I half-knocked over the can, and in this can was petrol.

Cross-examined by Mr. NORMAN BIRKETT—In washing down the stairs, I presume you used several buckets of water?—Yes.

What did you do with the dirty water?—I poured it down the lavatory in the bathroom until I reached that part of the stairs and from there to the foot I emptied it down the sink in the kitchen. I did not wash the banister.

On the stairs there were eyelets, the permanent holders for the stair rods; a good deal of soap would get on to them?—Yes; they were not all there, but some of them were.

The only other thing I want to ask you about is the blue suit and it is on the question of his hand being put upon it when he cut it. Are you sure that happened that day, or have you thought of it since?—No, I am quite sure. I picked up the coat when Dr Ruxton offered it to me and looked at it and he, having his hand bandaged up, said to me it was stained, blood-stained.

WILLIAM RISBY, examined by Mr. MAXWELL FYFE—On 15th September I was staying at 139 Thornton Road, Morecambe. About six o'clock I saw Dr. Ruxton in his car which was stationary outside the front door. There was a lady in the rear seat, and I think one or more children. Dr. Ruxton beckoned to me and told me that Mary had gone away to Scotland for a week or a fortnight. He said either he had handed Mary's wages over to her sister or Mary had done so, and I said I would hand the information over to Mrs. Rogerson.

JOHN VARLEY, examined by Mr. MAXWELL FYFE—I am a post man. On Monday, 16th September, 1935, I delivered letters to 2 Dalton Square between 7.15 and 7.30 a.m. Mrs. Oxley was

# Buck Ruxton.

John Varley

ringing and knocking at the front door. I put the letters through the letter box.

JAMES BROWN, examined by Mr. MAXWELL FYFE—In October, 1935, I was a constable in the Lancaster Borough Police Force. I made inquiries at the railway station and bus stands to find out if anyone had seen Mrs. Ruxton leave the railway station or by any bus on Sunday, 15th September. No one had seen her. On 13th October I went to Dr. Ruxton's house about 6.30 p.m. and saw several surgical instruments. Among these were a knife in a small wooden box and a pair of dental forceps. The knife was a small scalpel.

Cross-examined by Mr. NORMAN BIRKETT—What size was the knife you found?—Four to six inches.

That was the only knife you found after making a thorough search?—Yes.

What size was the cutting part?—About two inches.

I suppose many buses run from Lancaster to surrounding places like Morecambe and Blackpool on Sundays, and also through buses?—Yes.

What you really did was to ascertain, if you could, whether anybody answering to the description of Mrs. Ruxton had been observed by anybody?—Yes.

You did not record the exact time the buses left?—No.

How many stations are there?—Two. One is the Midland Station and the other Castle Station. I inquired at the latter.

You were only making inquiries about Mrs. Ruxton?—Yes.

Re-examined by Mr. JACKSON—Is Castle Station where the trains go to the north and to Scotland, and also to Blackpool the other way?—Yes.

Were any cutting instruments found besides the small scalpel you have mentioned?—No.

Do many trains and buses leave Lancaster on a Sunday morning?—No.

Mrs. AGNES OXLEY, examined by Mr. JACKSON—I was employed at the Ruxtons' as charwoman in the early part of 1934 for a period of six months and then returned in December of the same year. I worked there each day of the week including Sunday, and commenced about ten minutes past seven in the morning. I used to clean the surgery, the waiting-room, and the hall, and also did a little cooking. Mary Rogerson looked after the children and also did part of the cooking. She made the beds and I helped her. I also helped to dress the children.

Do you remember an occasion when you were dressing the children and Dr Ruxton came into the room where you were

# Evidence for Prosecution.

Mrs Agnes Oxley

with Mrs. Ruxton and the three children?—Yes. He came into the room and told Mrs. Ruxton she was wanted downstairs. He was very sharp and she said she did not feel like seeing anyone down the stairs that morning. He said, "For the second time, you are wanted down the stairs" and she replied in the same way. Then he said, "For the third and last time, I want you down the stairs," and she said she would come. As they went out of the room she said, "Where have you got that knife?" A few minutes later I went downstairs with the maid, but could not find Mrs. Ruxton anywhere—she had gone out. The doctor had also gone out, and when he came back he told Mary Rogerson not to let the children out of her sight.

Was there anything noticeable about the legs or ankles of Mrs. Ruxton?—Yes; they were one thickness from the knee to the ankle. She had very thick ankles; they were always like that.

Do you remember an incident about a fortnight before Mrs Ruxton was missing?—Yes She showed me a big bruise on the left side of her neck.

Did you hear anything a day or two before she was missing?—On the Friday I heard them quarrelling. The doctor called her a prostitute; he sent me out to the back to dust his car. He came out and said to me, "Oh, Mrs. Oxley, she is breaking my heart; talk to her; talk to her, and ask her not to go but stop with her children." I said I would. He then drove away in his car.

On Saturday, 14th September, the day Mrs. Ruxton went to Blackpool, you went to your work as usual. Was Mary Rogerson there?—Yes. She was working with me in the kitchen. The doctor came into the kitchen and asked her if Mrs. Ruxton went would she, Mary, stop and look after the children. After hesitating, Mary said she would. Mary was well and quite happy. Mrs. Ruxton was also there. I left at 12.20.

According to your duties you would have to be there the next morning, Sunday, 15th, at 7.10?—Yes. I intended going as usual, but Dr. Ruxton came to my house at half-past six when I was in bed. My husband went downstairs and I stood on the stairs. Dr. Ruxton said to my husband, "Tell Mrs. Oxley not to bother to come down this morning as Mrs. Ruxton and Mary have gone on a holiday to Edinburgh and I am taking the children to Morecambe." I did not go that day, but went back at my usual time the next day, Monday. I rang the front door bell several times until twenty to eight, but got no reply and went home. While I was ringing the bell the postman came to the door. I returned to the house at about a quarter-past nine, and rang again without getting any reply. Dr. Ruxton then arrived in his car. He had no collar and tie on and had not had a shave. I think he had on a light overcoat, a brown one. I have never seen him



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in that condition before as he was always very smart. His hand was bandaged. I asked him about it and he said he had cut it with a tin opener on the Sunday, had lost gallons and gallons of blood, and had drunk gallons of water. When we got into the house, I made him some coffee, and noticed that the stair carpets were up.

Did you notice as you went into the hall anything peculiar for the day time?—Yes; the electric light was on in the hall. It was raining very hard. I went into the surgery with the doctor and helped him to bandage his hand.

Did there appear to be anybody else in the house?—No. Dr. Ruxton said that he thought that Mrs. Ruxton and Mary Rogerson going away together had been a made-up thing, that Mary had asked for her wages in advance. He said that they had gone to Edinburgh; that the children had gone to Morecambe.

Did you go into the yard?—Yes. There was a heap of burned material there which was not there on the Saturday morning. I went upstairs and found the doctor's room, the drawing-room and the dining-room locked and could not find any keys. I have never known a room before to be locked and there be no key in the house. In the lounge I found a meal untouched. There was a dish of stewed blackberries, a chocolate blancmange, a dish of cakes, a plate of bread and butter, and a dish of fruit salad. The meal had been untouched. There was no sign of any peaches, nor had there been a tin of peaches in the house when I left on Saturday. I cleared up the meal and left it on a table outside the lounge on the landing. The doctor went out between half-past ten and eleven o'clock, and I did not see him again that day. I left about ten past twelve, pulling the door after me which shuts itself with a Yale lock.

Did you go again at the usual time the next day, Tuesday, 17th September?—Yes. Dr. Ruxton opened the door in his pyjamas. I made him his breakfast and helped him to pack some clothes for the children. He left about 9 a.m. and came back with the children for some more clothing about 9.45, stayed a few minutes, and then left to take them to school—the two elder children; the little boy did not go to school. I think they have to be in the school by 9.30.

Did you go to work in the normal way on the 18th, Wednesday?—Yes. The doctor let me in, again in his pyjamas. I dressed the children and got breakfast ready. A Mrs. Curwen came in to work just after nine o'clock to assist me. Dr. Ruxton left the house between 10.30 and 11 a.m. and did not return whilst I was there. Mrs. Curwen and I had some conversation and then went into the yard and looked at some carpets. He had told us we could have them if we wanted them. We selected a piece of carpet, and I took home a big square and a little

# Evidence for Prosecution.

Mrs Agnes Oxley

square. One was part of the under carpet of the stair, and the other of the landing just beside the drawing-room on the first floor. It was in a torn condition when I took it.

On the next day, Thursday, you went as usual to your work? —Yes, the doctor again let me in in his pyjamas. The children were not in the house. He asked me to make his breakfast as quickly as I could as he was going to see a specialist about his hand. Whilst I was in the kitchen, the doctor brought his car to the back door—it would be about half-past seven. As he passed the kitchen on his way into the house, he shut the door, shutting me into the kitchen. He then went up and down stairs several times to his car, and left the house about eight o'clock. On his way out he told me that I was to take the key when I left at dinner time, to give it to Mrs Curwen, and tell her to tell his patients, if he was not back by three o'clock that he would be back in the evening.

You have told us that on the other days the doctor's door upstairs was locked and other doors were locked. When he had gone out of the house that morning, did you go to these locked doors?—Yes; they were open. There was a dirty smell in the doctor's room which had never been in the house before.

Did you continue going to the house each day after that?—Yes.

During the whole time you were there, what was the condition of the bath?—There was just one place by the taps where it used to drip down where it was marked. I think it must have been from the geyser, because it leaked a bit.

Have you ever seen the bath during the time you were there all surrounded almost within a few inches of the top with a yellow discoloration?—It never was. The bath was used every day, and was cleaned on the Saturday by Mary Rogerson.

What was the colour of the bath after Mrs. Ruxton and Mary Rogerson had disappeared?—Like a dirty brown all round. It was quite clean on the 14th. I had never seen it like that before.

Some time after the disappearance of Mrs Ruxton and Mary Rogerson, did the prisoner ever say anything to you?—Yes. He said, "If I go along a road and I run over a rabbit and I get blood on my tyre, people will think I have committed a murder."

Did he say anything to you about the walls that had been stripped?—Yes, he said "I cannot do as I like in my own house without people interfering."

Did you notice anything on the curtains of the top landing after the disappearance?—Yes. They were casement curtains, and I noticed some blood on both of them at the bottom. Mrs. Curwen and I were looking at them when the doctor came up and told her to take them down. He then tore off the blood-stained parts and threw them in the kitchen fire; the other parts he gave to us for dusters.



# Evidence for Prosecution.

Mrs Agnes Oxley

Had you been able to go in any place on the 15th, 16th, 17th, or 18th till the doctor had gone away on the day he went upstairs several times?—No.

On the Saturday, 12th October, what did he say to you with regard to that Sunday morning when he had stopped you coming at half-past six?—He said, “Oh, Mrs. Oxley, about that Sunday morning, tell them I came for you at seven o’clock. Tell them I came at seven o’clock and told you not to come, and that I came again at nine and you came down till eleven.” I told him I could not say that as it was not the truth.

These two pieces of carpet that you had taken; did you afterwards hand them over to the police, and were they in the same condition as when you received them in Dr. Ruxton’s yard?—Yes.

Mr. NORMAN BIRKETT—It would perhaps be a convenient moment for me to take your lordship’s ruling about certain matters. I have considered it carefully and I do not desire that the jury should retire whilst I make the submission. My learned friend opened this case upon the one indictment, as was right and proper, and indicated that matters connected with Mary Rogerson might have some bearing upon the matter and might assist the jury upon the one indictment. Now, I can quite conceive that, as part of the narrative at the stage we have now reached, the matters relating to Mary Rogerson should be before the jury. In my submission that evidence cannot be introduced so that virtually you are trying two cases upon the same indictment, and we are now reaching a stage where, as I understand it, it is proposed to identify some of the clothing of Mary Rogerson. In my submission that is carrying the doctrine too far. Whilst it may be that in the general narrative on the first indictment it is necessary for a true understanding of the matter that the events relating to Mary Rogerson leaving the house should be made known, I desire to submit that that is as far as the prosecution can take the evidence on the second indictment, unless it is going to be submitted that on the principle of *Makin v. Attorney-General* they propose to put the whole matter in. If so, I should desire the prosecution so to state it. Up to the moment the prosecution have merely stated, as I understand it, “We propose to deal with certain matters relative to Mary Rogerson as being relative to the first indictment.” What I am anxious to know is, how far they propose to pursue that matter, and up to the moment no very clear indication has been given; and the principle upon which the evidence is to be admitted is of course perfectly well known and perfectly well laid down. I am submitting formally that evidence relating to the identification of Mary Rogerson’s clothing is not admissible on this indictment.

Mr. JUSTICE SINGLETON—You are not objecting to evidence of

# Buck Ruxton.

Mrs Agnes Oxley

identification of Mary Rogerson, but you are objecting to the admissibility of evidence with regard to the clothing?

Mr. NORMAN BIRKETT—I am objecting at this moment to the evidence relating to the identification of her clothing.

I submit formally that evidence relating to the identity of Mary Rogerson is not admissible, this being the first stage when they propose to deal with matters of identity of clothing. If the prosecution here are proposing to say, "We propose to give all the evidence relating to Mary Rogerson because we submit it is entirely relevant upon the first indictment," and your lordship will rule upon it, I shall understand where I am

Mr. JUSTICE SINGLETON—I do not know what is meant by "all the evidence relating to Mary Rogerson"

Mr. NORMAN BIRKETT—It is for this reason I rise at this moment, and perhaps if my learned friend would indicate to the Court what he proposes to do, the matter would be greatly clarified. Perhaps my friend would assist the Court by stating the view of the prosecution.

Mr. JACKSON—The position of the prosecution is very simple. We propose to call the evidence with regard to Mary Rogerson—the whole of it—because we say the circumstances of the death of Mary Rogerson, the articles of clothing which helped to identify her as being there on a certain day, disappearing from the house on the same day, the bodies intermingled found at a later date together, portions of the body of Mrs. Ruxton intermingled in the one parcel with the body of Mary Rogerson—the identification of the one must materially assist, and the garments must materially assist, the identification of the body of the other.

Mr. JUSTICE SINGLETON—In my opinion this evidence is admissible on the issue before the jury, that is, as to whether or not the prisoner is proved to be guilty of the murder of Mrs. Ruxton. That is the only issue before the jury, and it seems to me that evidence of the identity of the portions of the remains found at Moffat may go towards helping in that inquiry. If it be the fact that she and Mary Rogerson were both in the house at 2 Dalton Square at some time on the evening of the 14th September and that thereafter there is evidence that portions of the bodies of both are found in a ravine together, I think the evidence with regard to the body of Mary Rogerson may become material to some extent in that inquiry. I feel, therefore, that I cannot exclude evidence as to her clothing which might be one stage towards identification of that body, but the jury will bear in mind that they are inquiring into the death of Mrs. Ruxton. Anything with regard to Mary

# Evidence for Prosecution.

Mrs Agnes Oxley

Rogerson can only be subsidiary, because it goes possibly to the question of identity, particularly as I understand there is to be evidence that portions of both bodies were found together in the same parcel or wrapper.

*Examination continued*—Is this a little child's garment?—Yes; it is a child's romper which I have seen in Dr. Ruxton's house amongst the children's clothes.

[Witness shown several articles of clothing which she identified as belonging to Mrs. Ruxton.]

These are the share that Mrs. Curwen took?—Yes.

[Witness shown several articles of clothing which she identified as belonging to Mrs. Ruxton and Mary Rogerson.]

Those fawn canvas shoes, who did they belong to?—Mary Rogerson. I saw her wearing them on the Saturday she became missing.

Whose is this heavy brown leather motor coat?—That is Dr. Ruxton's and I have also seen Mrs. Ruxton wearing it

Now was this tin opener in the house?—Yes, it was in the house when the doctor was arrested. Mrs. Curwen broke it about a fortnight before Dr. Ruxton's arrest.

Have you ever known the stairs to be scrubbed down before until Mrs. Hampshire came on that day?—No.

Cross-examined by Mr. NORMAN BIRKETT—During the period you were working at the Ruxtons', did the decorators ever come?—Yes.

Was it the custom to prepare for the decorators coming to save expense?—No, I do not think it was.

When was the last time they came before Mrs. Ruxton was missing?—I cannot remember the exact time; it was a little before Mrs. Ruxton was missing. They did the surgery, waiting-room, and bathroom.

Did Dr. Ruxton strip the bathroom on that occasion before the decorators came?—Yes, it was the first time I ever saw him do anything. He also did a little of the painting in the surgery.

Mrs. Ruxton was a lady who was rather fond of dress?—When I went there in 1934 Mrs. Ruxton had very little clothing, but afterwards it was much better. She had some new dresses in September.

Do you know whether she had a new three-piece suit in that month?—No, I cannot remember her getting it.

Do you know where she got her clothes?—Mansergh's and several other shops in Lancaster and district.

# Buck Ruxton.

Mrs Agnes Oxley

During 1935 she had a good amount of new clothing before she was missing?—More than in 1934.

She had more shoes than have been produced in Court?—No, I do not think so. Either Mary or I cleaned her shoes.

Would it be right to say that the majority of this clothing shown here is old fashioned?—Some of it is.

When Mrs. Curwen acquainted you that you could have this clothing, it was all in a heap?—Yes. It was all mixed up, Mrs Ruxton's and Mary Rogerson's, in the doctor's bedroom. It was all quite open and I thought it was clothing that they had cast off.

Is it quite clear that Mary Rogerson made the beds?—Yes, when there was another maid the latter made the beds.

Had you anything to do with the breakfast when Mary was there?—No, Mary made the breakfast—I only did the cleaning.

Were the quarrels frequent or at intervals?—Just before Mrs. Ruxton was missing they were quite frequent. They used to make them up and appeared quite friendly afterwards.

On occasions were there faults on both sides?—Yes, there might have been one or two times, but not always.

The Court adjourned.

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## Fourth Day—Thursday, 5th March, 1936.

Mrs. AGNES OXLEY, recalled, *cross-examination continued*—Are you quite certain that on Sunday, 15th September, the doctor came to your house at 6.30 a.m.? Was it not later, possibly seven o'clock?—No, it was 6.30.

It seemed quite an ordinary thing for him to come and tell you not to come to him that day?—Well, it was the first time I had missed.

Did he not say that as they were going away for the day you need not bother to come?—No, he said that Mary and Mrs. Ruxton had gone to Edinburgh.

On the days after the Monday the usual procedure was that the doctor let you in, went back to his bed, read his letters, and you brought up his coffee and toast? Is this not what happened on the Monday as well?—No, he was not there to let me in.

Had you ever seen the doctor without his collar and tie?—No, never.

When you both went in together, are you certain you saw the light on?—Yes.

Is it the case that on the top floor Mrs Ruxton's bedroom and Mary's bedroom doors were open and the doctor's locked?—Yes.

# Evidence for Prosecution.

Mrs Agnes Oxley

On the next floor were the drawing-room and dining-room doors locked?—Yes.

Is it not the fact that the library door on the ground floor is kept locked as a rule?—Yes.

Was the drawing-room not usually locked?—No. It might be locked overnight, but you could always get the key which was kept in a letter box on the hall table. After Mrs. Ruxton was missing, the key was not there.

Was it not a common occurrence for the doors to be kept locked?—No. They might be locked overnight, but you could always get the keys. The doctor's room was hardly ever locked.

On the Monday you saw in the yard some burned debris that looked like burned paper?—Yes. I did not examine it very closely. We, the staff, used to burn papers there, old journals and such like, but the doctor never did. We never used petrol and I have never seen petrol in the house.

If tinned fruit was used, were the tins thrown into the dust-bin?—Yes.

Did you not see a tin of peaches?—No, not on this day.

Is this tin opener that has been shown the only one you have seen in the house?—Yes, I used to use it myself. I never saw a tin opener that was either like a corkscrew or one that was composed of a plunger, a handle, and a knife. It was usually kept in the kitchen.

With regard to the meal that you have spoken to, were there not two dirty cups, indicating that someone had had a cup of tea?—No.

Will you look at those stair pads [Exhibit 40 shown to witness]. Where did these come from?—They came off the top stairs.

Now on Thursday, 19th September, was it not later than eight o'clock when the doctor left the house?—No.

That was the day he mentioned he was going to see a specialist about his hand. Did he mention the name of the specialist?—No.

That was the day that the doctor's room and the drawing-room were open?—Yes.

By Mr. JUSTICE SINGLETON—Had you not been in that room and the doctor's bedroom at all during that week?—No.

Had anybody else, so far as you know, been there who could do the making of the bed or anything of that sort?—No, they could not get in.

*Cross-examination continued*—With reference to the journeys up and down stairs that day, was there anything to call particular attention to it that morning?—No. I thought it was a funny thing for the car to be at the back and the doctor to keep going in and out.



# Buck Ruxton.

Mrs Agnes Oxley

Had he said anything to you about Blackburn at any time, about a betting business, or pool betting at Blackburn?—No.

Did he say anything to you that morning about going to see the Andersons?—No. I knew the children were there.

Did the doctor say anything to you about the journeys upstairs or did he say that you were not to come out of the kitchen?—No.

When you first saw the bath, you say it was discoloured like a brownish rust. Did it come off when you cleaned it with Vim?—Yes, part of it came off.

At the time the doctor read out a report in the *Daily Express* about the Ravine Murder, it was manifest that he was greatly concerned as to where Mrs Ruxton and Mary were?—Yes.

When he spoke to you on the last Saturday before he was arrested about what had happened on the morning of Sunday, 15th September, did he ask you whether you remembered the time that he had come to you on the Sunday morning?—No.

That was the day before his arrest, or rather of his arrest, Saturday, 12th October?—Yes.

Had he been to the police station once or twice before?—Yes. I knew he had given a description of his wife to the police and offered assistance to them in searching his house.

Re-examined by Mr. JACKSON—On the Saturday before his arrest, was it the truth or an untruth he asked you to say?—An untruth.

Was it usual or unusual for the doctor to call at your house at 6.30 a.m.?—Very unusual. He has never been to my house before.

When you called at the house on the Monday morning at 7.10, was there anything unusual then?—There was no one to let me in, which had never happened before. I have never before had to wait at the front door for 40 minutes before being let in, and I have never known the postman put the letters through the letter box before.

Whenever a door was locked in that house for any purpose at all the key was still to be had?—Yes.

Did the doctor during those days from the Sunday till the Thursday, when you found his bedroom door open, ever suggest that you should go up to tidy his room or make his bed?—No.

On the Thursday, the day he went up and down stairs, who made his bed?—I really could not say. I know I did not make it that day. On the Friday Mrs. Curwen and I, I think, went in and tidied the room and made the bed. I made it each day up till the time of his arrest.

Were there any blood-stains on those curtains before Mrs. Ruxton disappeared?—No.

# Evidence for Prosecution.

Henry Hudson

HENRY HUDSON, examined by Mr. MAXWELL FYFE—I am the proprietor of the County Garage, Lancaster Road, Morecambe. On 3rd August, 1935, I sold a Hillman Minx car to Dr. Ruxton. It was a 10 h.p. car and the registration number was ATC272. Dr. Ruxton brought the car back to us for servicing on Monday, 16th September. He had his hand bandaged and said that he had nearly severed his little finger opening a tin of fruit for the maid. He asked if I could lend him a car whilst his was being serviced and said that the 8 h.p. Ford that I offered was too small. I took him to the Grand Garage and did not see him until some time after when he called at my garage for petrol. During conversation he said he was tickled to death, it was the joke of his life, the police had been questioning him about the Moffat job. He asked me whether I could be sure of the day and time when he had brought in his car for servicing if the police asked me, and I said I would. He had put a second car on order when he had bought the Hillman Minx, and I asked when he would require delivery. He said Mrs. Ruxton was thinking of going to Canada for a holiday, and she would require the car when she came back. That was the original idea, but now he said that Mrs. Ruxton had left him and he was very sorry he would not require the second car.

Cross-examined by Mr. NORMAN BIRKETT—What colour was the Hillman Minx?—Stone colour.

Did the doctor say that the car would keep stopping in the traffic when he brought it in that day?—Yes, he did.

Did you suggest that decarbonizing would probably solve the difficulty?—No, I asked him to let me have it when it had reached a certain mileage for decarbonization, for service. The mileage was getting on for 5000 when he brought it in.

Did the question of the other car, the one he wished on loan, only come up when he had decided to leave that one for decarbonization?—Yes.

Did you see the Hillman Minx before it went out or not?—Yes.

That took a day or so and then it was redelivered?—Yes.

When he said that the police had been interrogating him about the Moffat matter, did he convey to you that the thing was fantastic and absurd?—Yes.

Re-examined by Mr. JACKSON—Did the prisoner ask you for a second-hand car, or the loan of a car, before you had tested his own car in any way?—Yes.

JOHN DAVID MILNER, examined by Mr. MAXWELL FYFE—I am a motor salesman and was formerly the stores and service clerk at the Grand Garage in Lancaster Road, Morecambe. On 16th September the last witness, Mr. Hudson, came to the garage with

# Buck Ruxton.

John D. Milner

Dr. Ruxton and I hired the latter an Austin 12 h.p. saloon. It was stone colour and the registration number was CP8415. It was a big four-seater, and the doctor hired it for one and a half days and drove away in it.

ROBERT YATES, examined by Mr. SHAWCROSS—I am a director of the Grand Garage and Sporting Cars, Ltd., at Morecambe. Early in September, 1935, Dr. Ruxton hired a Morris Oxford car from us and returned it in two days. Later in the month he hired a 12 h.p. Austin saloon and returned it to us on the 18th. Later on, after he had returned the car, he came to the garage and asked what the size of the petrol tank was as he said that certain charges had been made against him and he wished to show that he could not have been up north.

ALFRED RUTLEDGE, examined by Mr. MAXWELL FYFE—I am employed by the cleansing department of the Lancaster Corporation. On Monday, 16th September, about 2.45 p.m. I was emptying dustbins in the Dalton Square district. To get into the yard at 2 Dalton Square one has to go through Friar's Passage. The dustbin in the yard is on the left-hand side by the door near the lavatory. On this day a lady let us into the yard; the dustbin was in its usual place. Some burned material was near the dustbin. Amongst this material was part of a dress of a light blue colour. It was made of silk and had glass buttons in front. Near the house were some carpets, the largest of which had some blood on it. Towards the bin at the bottom of the yard was some plaster, and there was a hamper of straw near the carpet. Dr. Ruxton came up and told me that the whole of the yard needed clearing up. I told him we could not take away the plaster as that was a tradesman's work, and he repeated that we were to take it away. We put all the burned material, the straw, the plaster, and some bits of oilcloth into the cart which goes to the destructor.

Cross-examined by Mr. NORMAN BIRKETT—Was this your regular day for calling at the doctor's house?—Yes.

Quite frequently there had been burned paper and stuff, debris, in that yard before, had there not?—Never noticed any.

You do not observe much what is in the dustbins or yards?—We do not notice what is in the dustbins; we just tip them into the cart.

I suppose there would be the usual household refuse in this dustbin?—Something like that.

You did not take particular notice?—No.

Did you on that afternoon take other dustbins down the back of Dalton Square and tip them into the cart?—Yes.

# Evidence for Prosecution.

Alfred Rutledge

And do I understand you to say that so far as burned debris in that yard is concerned you do not remember paying much attention whether there was any there or not before this day?—Not before that day.

There may have been some, but you did not notice it? Have you noticed burned debris in the dustbin?—No.

Was the plaster of the sort that tradesmen use?—I could not say.

Did you know whether or not it had come off the cinema wall?—I could not say; it was small stuff, more of a powder.

You took the burned material. Did you notice what the burned material was? Was there any paper amongst it?—No, it seemed to be all cloggy together.

Was there ash?—No.

Re-examined by Mr. JACKSON—Have you ever on any occasion seen a burned dress or portion of dress, any oilcloth, or any blood-stained carpet there to be taken away before this day?—No.

JOSEPH MOFFATT GARDINER, examined by Mr. SHAWCROSS—I am a motor driver employed by the Lancaster Corporation. On the afternoon of Monday, 16th September, 1935, I was in charge of four dustmen and called at the yard at the back of Dr. Ruxton's house. It was raining. The doctor spoke to me and said he wanted the yard cleaned up. There was a dustbin, carpets, old mortar, and a hamper with some straw in it. There were two carpets and I noticed that there was blood on the one on which we were standing. I asked him if he had had an accident, and he replied that he had severed his finger opening a tin the day before. He added, "And I have three children to look after." I asked him if his wife was away, and he said she had gone touring with the car. I told him he ought to send for her and he replied that he did not know where she was. I asked him what exactly he wanted taken away and he said "Everything." There was a little child's toy motor car in the corner and he said, "Oh no, leave that, and I will pay for everything taken away. If you clean up the yard thoroughly, I will pay you for it." Later a lady came in and asked us to leave the carpets. There was some burned material; it was all wet and slimy and was lying in a heap about four yards from the bin towards the back of the house. This was put in a basket, tipped into the cart, and the yard swept out by one of my men.

Cross-examined by Mr. NORMAN BIRKETT—What height was this little heap of burned material?—About a foot high and a foot and a half wide.

You would not be able to tell us whether there were surgical dressings or shirt or pieces of paper?—No; I did not examine it at all.

# Buck Ruxton.

Joseph M. Gardiner

I understand you are the driver of the motor wagon. As a rule you do not go in unless you are called?—Not unless I am called; I was called this afternoon.

I do not suppose you examined this hamper, but there was nothing distinctive about this hamper differing from the ordinary hamper in which goods are sent which are packed in straw?—No.

There was a good deal of plaster in the yard, was there not?—Yes.

Did you take it away?—Yes.

Where was that when you saw it?—We had to leave that before.

That is the important point I want. This plaster you saw had been there about a month before, had it not?—Yes

Did it appear to you to have come off the cinema wall?—We saw the tradesmen when they were doing the job; we saw it come off.

Then you know that the plaster in the yard was from the cinema wall?—Yes.

ERNEST HALL, examined by Mr. MAXWELL FYFE—I am a cinematograph operator employed at the County Cinema. I have known Dr. Ruxton for about four years, and first called professionally on him on the 5th or 6th September last. I had been in his house on several occasions doing odd jobs of a mechanical nature for him. I called on him on Saturday, the 14th, and he signed me off work and gave me a prescription. I went home and stayed in bed until the following Monday. I called on the doctor on Monday, 16th September, about a quarter to seven in the evening, professionally, and he asked me if I would get a plumber for him as the lavatory was out of order. I could not get one and I suggested that I might look at it myself. I went into the bathroom and found that a ring attached to the plunger inside the cistern had become opened and detached from the plunger and it was failing to work. I put the ring back, but could not close it without tools. I saw the doctor and asked him what he had done to his hand which was bandaged. He said that he had a slight accident opening a tin. I next saw him on Thursday, 19th, when I called at his surgery. I called at 2.25 p.m. but the doctor did not arrive until 2.45; he arrived in a closed car which I had not seen before. I next saw him on the following Saturday outside his house. He asked me if I would be ready to start a lighting scheme which we had arranged in July. We arranged that I should commence work on this on the following Monday, and I did so at 8 a.m. Mrs. Oxley let me in. My work entailed cutting the plaster in the hall to put the wires in for the lights. I worked from 8 till 10 a.m., and then came back and did the same the next day, Tuesday. On the second day I saw the doctor on the stairs and he asked me

# Evidence for Prosecution.

Ernest Hall

if I remembered when he first mentioned that he was going to have the lights put in, so I said, "Yes." He said, "Well, I do not want you to forget when it was that I asked you," so I said it would be quite a while back, perhaps a couple of months, about July. He said, "Oh, that is all right, then." He told me that people were talking, saying he had things to cover up. I did not manage to finish the work, and came back later on; I was there quite a number of times. On the Thursday I had to attend to the cistern again—it was the same trouble as before. The last time I saw the doctor was on Saturday, 12th October. I received a message and went to his house about half-past four and saw him in the consulting-room. The first thing he asked me was if I remembered ever going to the house at 10.30 on Saturday night, 14th September, to repair a fuse, when Mary Rogerson opened the door. I said I did not remember at all. He said, "Surely you remember coming in on that particular night?" I said no, and there was quite a little argument. I suggested that he meant the Monday night, the 16th, and he said, "No."

Did you mean the night you repaired the lavatory cistern?—Yes.

What did he say to that?—He said I had to forget that I had ever been on that particular night.

Did he mention to you again what you have told us about coming to repair the fuse?—Yes. He started. He said, "Surely you remember that particular night?" He wanted me to swear in any Court that I came in on that particular night, and that Mary Rogerson opened the door for me. I said it was impossible for me to have been there on that particular night as I was at home in bed. He then moved over to his desk and scribbled on a pad. He said he was going to make a statement to the police. He did not definitely tell me what he was writing. He was very much upset, and was mentioning something about the children, but I cannot tell you what he said he was so mixed up.

Can you tell us at what stage of that conversation with you it was that the doctor got excited and jumbled up?—When he found out that I was ill on that particular day.

Cross-examined by Mr. NORMAN BIRKETT—On 14th September you were signed off in the morning and went home to bed. On Monday, the 16th, the job you did that day had to do with the cistern and the cistern only, and had nothing to do with the lavatory?—Not the actual lavatory; just the cistern.

What you found wrong was quite a common thing with cisterns, I suppose?—I could not say.

Did you know on Saturday, 12th October, whether or not the doctor had been to the police, whether he had been questioned

# Buck Ruxton.

Ernest Hall

by the police, or whether he had supplied information to the police?—No.

When he asked you about this matter of Saturday, 14th September, was it in the tone of an inquiry that it first began?—No. The doctor said, “Do you remember coming on Saturday, the 14th September, at half-past ten?” I said I did not.

May you have been there, on occasions, at that time of night before the 14th?—No, I had never been at all at that time of night. I had been sometimes in the evening between six and half-past.

On those occasions had Mary Rogerson let you in?—No, sometimes I had gone straight in.

Was it when he asked you to swear in Court that he said, “People are talking and they think I have something to cover up”?—No, that was on the Tuesday.

When you remembered that you had been in bed and told the doctor so he was very upset—as much as to say, “That finishes it”?—Yes.

When he was talking about the 14th, and told you to forget it, was it said in such a way as to convey that it was not important and not to worry about it?—In a way, yes.

After that, I understood you to say that he said, “Well, I do not want you to remember that”?—No, not like that. It was rather an anxious tone.

It was after you had said, “Well, it cannot be, because I have just remembered I was in bed” that he simply opened a pad and said he was preparing a statement for the police?—Yes.

And he was very upset and made all sorts of observations which I gather you do not remember?—Yes; I could not make out what he said.

A bit incoherent and rambling?—Yes.

He spoke of his children with great affection?—Yes.

ETHEL MARY HOLMES, examined by Mr. SHAWCROSS—I live with my father who is a painter and decorator. On Tuesday, 17th September, Dr. Ruxton called at our house and said that my father should have gone the day before to decorate his staircase. I told him I knew nothing about it. I noticed that his hand was bandaged and he said he had had an accident. The next day he came again and asked why my father had not been to see him the day before. I told him my father had been busy and unable to go. He then said that he wanted the staircase done in rather a hurry, and that it would take two days or so. On the following Saturday he called again, and I told him my father had been busy and that he would probably have to wait. He said I was to ask my father to call at his surgery that evening. He called again the next day, Sunday, and told me to tell my father

# Evidence for Prosecution.

Ethel Mary Holmes

to call the next morning before going to work, and to bring the paper pattern book with him.

Cross-examined by Mr. NORMAN BIRKETT—Tuesday, 17th September, was the first time Dr. Ruxton had called. Why do you remember this so vividly?—He said my father had promised to go the day before to decorate the staircase. When I told my father, he said that it had been arranged for about the middle of September but no definite date fixed.

You said it was about twelve or twelve-thirty noon when he called on the Tuesday. Have you heard that on that day he was stopped at one o'clock by the police in Milnthorpe, having come from Kendal?—Yes

Did you not find it terribly difficult to remember the dates?—No, not particularly difficult.

Whenever it was that he came, it was to get your father to come and to do the decoration at the house?—Yes.

Did he say to you, at any time, that the walls had been prepared and all was ready, and that your father must go?—Yes, he did say the wall was ready.

ARTHUR JOHN HOLMES, examined by Mr. MAXWELL FYFE—I am a painter and have, on two occasions, done work in Dr. Ruxton's house. In 1933 I did some work in certain bedrooms and in July, 1935, I did the bathroom and waiting-room. When I was there in July he said he would want the staircase done sometime about the middle of September. I made a note of it and said I would see him again. No date at all was mentioned.

Cross-examined by Mr. NORMAN BIRKETT—When you went to do the bathroom and the waiting-room in July, the bathroom was already stripped?—Part-stripped.

That had been done by Dr. Ruxton before you got there?—By someone, I do not know who.

What about the waiting-room?—We stripped some of it and part of it had been already stripped.

When he had been down to your house, and you got the message from your daughter, did you realize then that what he wanted doing was what he had mentioned before?—Yes.

I think you sent him a note to say you were sorry but you were busy and he had better get someone else to do it?—Yes.

BERNARD BEATTIE, examined by Mr. SHAWCROSS—About 12.35 on Tuesday, 17th September, 1935, I was riding my bicycle in Finkle Street, Kendal, which is the main road from the north, on a slight incline. I was riding south and was knocked off my machine by a motor car coming behind me. I was thrown on to the pavement and was only shaken, but my bicycle was pretty well



# Buck Ruxton.

Bernard Beattie

smashed up. The car did not stop and I took the number and reported it to the man on point duty. I noticed that the driver waved as he passed. I shouted to him to stop, but he did not do so. The number of the car was CP8415. It continued in a southerly direction and turned south at the road junction.

Cross-examined by Mr NORMAN BIRKETT—Are you absolutely certain of the day and the time?—Yes, quite sure.

JAMES SMITH LOWTHER, examined by Mr SHAWCROSS—I was a police-constable in the Cumberland and Westmorland Constabulary stationed at Milnthorpe. On the 17th September, 1935, I was on duty at the cross roads at Milnthorpe at 1 p.m. and saw a car approaching which I stopped. The number was CP8415 and Dr. Ruxton was driving. I asked him if he had been through Kendal and whether he had been involved in an accident. He said he had, and I asked him to draw in to the side of the road. I cautioned him and asked him if he wished to make a statement. He became very excited, and said he had stopped. I tried, with great difficulty, to get particulars from him regarding his licence. He had neither his licence nor his insurance form on him. He kept on saying he had been to Carlisle on business. I served him with an HO/RT/1 form requiring him to show his licence at a police station, and filled up the form. He gave his name as Dr. Buck Ruxton, 2 Dalton Square, Lancaster. He was accompanied by a small child.

Cross-examined by Mr NORMAN BIRKETT—You are quite certain of the time?—Yes; one o'clock.

I expect that you have ascertained that he did go to the Lancaster police station, taking with him the form you gave him, and producing his licence and certificate of insurance?—Yes.

Do you know Seattle?—I know roughly the direction it is in.

If you were going to Seattle from Lancaster would you go on the Carlisle road?—You would go as far as Levens Bridge and turn left, on the Carlisle road.

If you were going to Carlisle you would go straight on?—Yes.

By Mr. JUSTICE SINGLETON—Where is Seattle?—Near Newby Bridge.

He would not go near Kendal?—No.

*Cross-examination continued*—He was very excited that day when you were asking for information, and told you to keep calm?—Yes, he was excited and did say that.

Did he speak very rapidly and rather incoherently?—Yes.

That is why you had difficulty in ascertaining the precise situation?—Yes, partly.

Do you remember what he said was that he had been on the

# Evidence for Prosecution.

James S. Lowther

Carlisle road?—He certainly did not. He said he had been at Carlisle on business and was returning. That is one of the clear things he said

HERBERT ANDERSON, examined by Mr. MAXWELL FYFE—I am a dental practitioner and I have known Dr. Ruxton both professionally and socially since March, 1934. On Sunday, 15th September, I was in bed all day and did not see Dr. Ruxton, and cannot remember whether I saw him the next day. On that night, however, I saw him. He had his hand bandaged and he told me he had had an accident when opening a tin for the children's breakfast on the Sunday morning. On the Monday evening I saw his hand; it was gashed from the apex of the finger to the joint, the bone was partially exposed, and then there was a diagonal gash across the three fingers

By Mr. JUSTICE SINGLETON—You asked about the tin opener?—I said I thought it must be a peculiar tin opener and I would like to see it.

*Examination continued*—What did he say?—He had thrown it away. He had seen enough of it.

On that Monday when you saw him first did he say anything to you as to where his wife and Mary Rogerson were?—I understood him to say that they had gone away to Edinburgh on the Sunday

Did you ever ask him again about the whereabouts of Mrs Ruxton or Mary Rogerson?—I never asked him about the whereabouts of Mrs Ruxton, but I asked frequently, after the first fortnight, about Mary.

About the end of the month you began to ask where Mary Rogerson was?—I asked whether he had any news from her or received any notification from her. He said, "I should not wonder, Andy, if she is in a nursing home." He suggested she was in a pregnant condition.

Have you seen Dr. Ruxton write?—I have seen him write, but at such a distance I could not distinguish what he was writing or the shape of the letters.

Can you recognize the handwriting of this diary [produced]?—I think it is his writing, but should not definitely be prepared to swear to it.

JOHN RONALD COOK, examined by Mr. JACKSON—I am a clerk in the municipal department of the Town Hall, Lancaster. On 24th September I was in the detective office at the Town Hall and Dr. Ruxton came in. His hand was heavily bandaged and he wanted me to look at it. He took the bandages off, although I asked him not to. The bandages were rather sticking into the wounds on the hand, the wound on the little finger and the third finger on the right

# Buck Ruxton.

John R. Cook

hand, and the wounds were near the second joint. The wound on the little finger was very severe. I had no interest whatever in Dr. Ruxton's call.

Cross-examined by Mr. NORMAN BIRKETT—Who were you with?—I was alone.

Did you ever see Dr. Ruxton when you were in company with Constable Winstanley?—Yes, the following day. Actually, I think Winstanley came in on the first day when the doctor was leaving.

Did you know at that date whether there had been any questioning of his servants about the death of Mrs Smalley?—Only what the doctor told me. It was in connexion with that matter that he had come to the police station. He said they were actually accusing him of killing Mrs. Smalley.

With regard to the cutting of the little finger, did it strike you as a layman, as distinct from a medical man, as though his hand had gone over a sharp cutting edge when closed?—Yes.

Dr. STANLEY SAMUEL HOWARD SHANNON, examined by Mr. JACKSON—I am a registered medical practitioner and am the medical officer of H.M. Prison at Strangeways. The prisoner has been under my care since being taken into custody. On 22nd October I examined his hand and found healed scars of wounds, but no actual wound on the right hand. There was a small scar running diagonally across the palmar surface of the middle phalanx of the index finger. There was a second scar on the ring finger which started just in the centre of the finger, and the scar on the little finger started just above the crease at the joint, and downwards on to the crease, and then straight across the finger right round to the outside. In my opinion the cut across the hand started at the bottom, and was certainly caused by some very sharp instrument with a cutting edge. I think these cuts were caused by a knife or similar instrument passing through the hand when it was clasped from below, and that the severity of the two lower cuts probably caused the release of the grip, and that is why the two cuts on the first finger are superficial.

You know a surgeon's cutting knife. If anyone is cutting up a body with blood in it are there any difficulties at all in regard to the knife?—Oh yes, there are several difficulties—it makes it slippery

Could this tin opener [produced] have caused the wounds on the hand?—Certainly not.

Cross-examined by Mr. NORMAN BIRKETT—You are not a surgeon?—No.

Am I right in supposing the line you indicated to the jury is



**Mary Jane Rogerson**



# Evidence for Prosecution.

Dr. S. S. H. Shannon

diagonal when the hand is open?—Except the first three injuries, they are in a diagonal line. The wound on the little finger is not in a diagonal line, not with the palm open.

If you closed it like that [indicating] and you get a cut inside it, then when it is open it is rather diagonal in appearance than straight—when the hand is closed?—I think it was straight when the hand was shut.

You are quite clear it could not have been done with the instruments you have been shown?—Quite.

Have you seen a tin opener of the kind in which there is a handle at the top and a plunger at the bottom, a projecting knife?—I had such a tin opener described to me by the prisoner when he had his hand examined; he made a sketch of it.

I would put this, such a cutting blade could, of course, if held in the proper position, produce the injuries on this hand?—If the cutting edge had been brought down on the top of the tin, trapping those two fingers [indicating], it might have done.

Provided such a blade of a tin opener was clutched with the hand like that, it could produce the injury you saw?—Yes, but the prisoner described exactly to me how this injury occurred, and he had described the tin opener such as you have described and said his two fingers were under the hooked part.

The hook part of the blade?—A projecting blade, and that he was using his index and second fingers to steady the pointer on the top of the tin, and that he trapped these two fingers between the blade and the top of the tin.

The injury to the little finger is, of course, the most serious, judging from the scars that remain?—I should say undoubtedly.

Is it in the place where the arteries are?—There are two small arteries, one on each side of the finger. I am not prepared to say that the artery is, occasionally, exceptionally large. An artery must have been severed.

On an artery being severed there would be a great quantity of blood?—I would not say a great quantity. There would be a certain amount of hæmorrhage, fairly severe, unless it was rapidly controlled.

Supposing, for example, you cut the artery in one room and went from that room to a bathroom, downstairs or upstairs, wherever it was, unless you took very careful precautions in the bedroom you would spill a lot of blood going to the door of the bathroom?—There might be a drop or two of blood, but I would not say a lot of blood.

Re-examined by Mr. JACKSON—The prisoner showed you the way in which he said he had used that tin opener and had cut his hand. In your opinion, if he had done it in the way he says, the

# Buck Ruxton.

Dr S. S. H. Shannon

opening of that tin with that tin opener, could he have made that cut on the four fingers?—I think it is quite impossible.

Is it difficult or easy for a medical man who has cut his hand to stop the bleeding immediately?—I should say it would be fairly easy.

Mrs. MABEL SMITH, examined by Mr. JACKSON—During the second week of August, 1935, I started work as a charwoman at Dr. Ruxton's house. I used to go four days a week—Monday, Tuesday, Wednesday, and Thursday. I usually went at 2 p.m. and stayed until 7 p.m. On Monday, 16th September, I did not go to work as I was going to a dentist for attention to my teeth. When I arrived at the house on the 17th Dr. Ruxton was not there at two o'clock, and there were ten or twelve patients waiting. I noticed that all the carpets were up, and on trying the doors on the top landing I found them all shut. I tried the doctor's room and found it locked; there did not seem to be a key. I did not try any of the rooms on the first floor. When the doctor came in he said that he had had all the work done downstairs, and would I get the steps and a pail of water and go upstairs and start to strip the walls of the paper. I got the pail and went to the top landing. The doctor came and told me not to bother with the landing as he could do that in his spare time, and I was to start from the top of the steps. I did not touch the landing. I was told to strip from the top of the stairs down to the bathroom. I went to work the next day at 2 p.m. The doctor was not there when I arrived but came in during the afternoon. I finished the stripping down to the bathroom. I noticed on the landing below the top landing, and above the bathroom landing, a pair of casement curtains which had blood on them about halfway up. I left them there and never saw them again. I wiped out the bathroom, and in doing so noticed on the right-hand side as you go in two marks of blood, about two or three feet up. I left about 6.30 that night. On Thursday, 19th September, I was at the house at two o'clock Mrs. Curwen was there, and the children came in about 2.30. Dr. Ruxton arrived between 3.15 and 3.30, and asked for his lunch to be sent up. When I went upstairs I noticed a most peculiar smell—a fusty, nasty smell. I usually do the washing on a Monday, and the following Monday I emptied the dirty-linen basket which is kept at the top of the house on the landing.

Did you notice anything there which attracted your attention?—Yes, a silk nightgown. It was white and I noticed a blood-stain as big as the palm of my hand on the shoulder of it. I washed it and took it downstairs to the cellar to dry, as is the custom. I never saw it again.

# Evidence for Prosecution.

Mrs Mabel Smith

Did you see anything during that week in the yard?—Yes. There were fires every afternoon that week. The doctor was there and Mrs. Curwen and I started the fire—we were told to keep it going. The fires were at varied places each day—I have seen them at the top of the yard and also at the bottom. On one occasion one of these fires was only smouldering and not blazing and I got a broom handle and disturbed it to let the air in. I then saw a piece of cotton wool which I should say was about a foot and a half in size before it started burning. It was scorched and I noticed there were blood-stains on it. That was on the Thursday. I had never seen fires there before that week.

Do you remember some time later taking away some clothes?—Yes. On 8th October, I think it was, the other charwoman, Mrs. Curwen, told me to take some away.

Before the doctor was arrested had you been interviewed by the police?—Yes, about a week before.

The following day after you had been interviewed did anything happen at 2 Dalton Square?—Yes. I went into the kitchen where Mrs. Curwen and Mrs. Oxley were and talked to them. Whilst we were talking the doctor came in and asked me if I had seen anyone the night before. When I told him I had been interviewed by the police he got rather angry and referred to the house as being always an open house, the doors being always open, and we could go in and out as we pleased. He mentioned about him being drawn into the Smalley affair and said, "Thank goodness the other one in the Moffat case was a man and not a woman." He added, "or they would be saying things"—that he had murdered his wife and Mary. Holding up his hand he asked what people thought he could do with a hand like that. I told him not to take any notice as people must be daft.

Cross-examined by Mr. NORMAN BIRKETT—The day you told Dr. Ruxton that people would be daft to say things like that was the Friday before his arrest, that is the day before his arrest?—Yes.

On Tuesday, 17th September, you say that you went to Dr. Ruxton's house about two o'clock, and there were a number of patients waiting for him?—Yes

What had you to do that day—what was your work that day?—I had no special task or special work at all. I was given odd jobs. Sometimes I would turn out a room or do a bit of washing. I had no special work to do that afternoon.

Why did you try the doors?—I just thought Mary might be somewhere about so I ran upstairs calling Mary. I knew Mary had gone, but I did not know whether she had come back or not, because I had not been informed when she was coming back.

Did you try the drawing-room?—No, not that day.

What doors did you find closed that day?—The doctor's door.



# Buck Ruxton.

Mrs Mabel Smith

Before that day, were certain rooms in the house occasionally locked to your knowledge?—Yes, the drawing-room.

It was quite an ordinary thing to find that locked?—To me it was.

And on occasion was the doctor's bedroom door locked?—Yes.

When you stripped down the walls were you informed that the decorators were coming?—Yes.

There was nothing suspicious in your mind at all?—No.

What did you do with the paper that came off?—I tidied it up as I came down, and put it in a bucket and took it away. I put some in the bin and some I burned on the kitchen fire.

Did you burn any in the yard?—No.

What did you burn in the yard if you burned anything there?—The waste papers out of the waste-paper basket that the doctor gave me to burn.

Which curtains did you notice the blood-stains on?—The curtains on the landing, one down from the top.

Did the doctor help you at all with the stripping of the walls, or did you do it all yourself?—I did it myself.

Wednesday, the next day, was the 18th. Was it on that day that you noticed the smears?—Yes.

You did not think much of them?—No.

What were the curtains made of?—White casement I should call them.

Would that mean if you put ink or blood upon it, it would spread a little like blotting paper and absorbent cloth?—It has that appearance to me. It looked like as though somebody had caught hold of it and just kept their hand upon it.

And were there two such marks upon it?—I just saw one.

It was on that day that you noticed two smears in the bathroom?—Yes.

Now, where were the smears that you say you saw?—On the woodwork on the right, just short of the bench which is covered by a toilet oilcloth. They were about halfway up opposite the other toilet. They were comparatively small smears about one inch to one and a half inches apart and about half an inch in size.

So far as you are concerned, does that complete all the blood you ever saw in that house—curtain, bathroom, and none other?—Yes; there was a blanket.

MR. JUSTICE SINGLETON—She did mention a nightdress.

MR. NORMAN BIRKETT—I am much obliged. Of course she did, and I intended to deal with that.

*Cross-examination continued*—You have mentioned a blanket which you had not mentioned before. Where was that?—In the recess in the yard.

# Evidence for Prosecution.

Mrs Mabel Smith

Now I come to Thursday, the 19th, the next day. What time did you get there that day?—The usual time, two o'clock.

Observe this question, and answer it with great care. What time did Dr Ruxton come that day, Thursday, 19th September?—I should say from a quarter-past three to half-past.

What makes you think now 3.15 to 3.30?—Because I was asked by the doctor about lunch, and he did not ask me for anything as a rule, so when he spoke to me I remember it so well. I passed the message on to Mrs. Curwen.

It is really, is it not, an estimate of yours?—Yes. I remember well now, because I remember the children coming in at 2.30, and the doctor asking me.

Yes, but it is an estimate of time. You did not look at a clock or anything?—No

You have spoken about a smell which, you say, you first noticed on the 19th. Was that the first time you had noticed a smell?—Yes.

You said you were going up the stairs when you noticed this bad smell. Where were you when you smelt it?—Almost on the first-floor landing, where the dining-room and drawing-room are.

Did you ever find the source of that smell, do anything about it, or use any disinfectant of any kind?—No.

Are you sure upon what day you saw the silk nightgown?—Yes, on Monday, the 23rd, in the dirty-linen basket on the top landing

Had you looked at it before that day?—No, not that day.

No. Had you looked in that basket, at any time, before Monday the 23rd?—No.

By Mr. JUSTICE SINGLETON—Did you not empty it each week you were there?—Every Monday.

The previous Monday you had been there?—Yes.

Was it a fortnight since you looked in it?—It would be.

Or did you look when you came back on the Tuesday?—No.

*Cross-examination continued*—You washed it and put it in the yard, and you do not know what became of it?—Yes.

When it was washed had the blood-stain gone?—Yes.

Now about the fires in the yard. You say that all the fires you saw were after Tuesday, 17th September?—Yes.

Did you make a fire occasionally in the yard?—Yes, on one occasion. I cannot remember the date, but it was after the 17th. I burned only papers.

Where did you make your fire?—Just about the middle of the yard.

When did you make your fire?—From six to half-past it would be.

# Buck Ruxton.

Mrs Mabel Smith

Was Dr. Ruxton there?—Yes.

Did he put something on the fire?—No; he asked me to pour some petrol over the paper, which I did out of an ordinary petrol tin.

Did he not come and throw some surgical dressings on it composed of cotton wool?—No.

Did you see Dr. Ruxton, at other times, make a fire in the yard?—I have seen him standing by the fires several times. It was always in the afternoon when I saw him there.

Do you know what was being burned on the fires?—No; but on the occasion when I turned the fire over there was some blood-stained cotton wool or wadding.

Did it seem to you like ordinary cotton wool that a doctor might use in his surgery?—Under circumstances, yes.

Did you ever, at any time, examine the debris in the yard which was the result of the fires?—No.

You remember the stain on the cinema wall. Do you remember that being done?—It was done after the decorators had been in, after the men had cleaned, whitewashed the wall—one of the afternoon fires.

Were you ever interviewed by the police about the Mrs. Smalley affair?—No, never.

That was the thing that upset him that day you spoke of in the kitchen?—Well, I put it down to that.

It was then he said that they would be charging him next with the murder of Mrs. Ruxton and Mary Rogerson?—Yes.

Do you remember when you saw the blanket in the yard?—During the week. It would be either Wednesday or Thursday; I am not quite sure of the day, but I know it was the first week from the 17th.

Where was it?—It was in a recess in the yard in a bowl with water running. It was in a tin bowl with cold water.

Was the nightdress in hot or cold water?—Hot water, in the usual washing water.

Did you ever see the blanket again?—Yes; it was put into the washing tub in the scullery and Mrs. Curwen did it. The next day I rung it out and put it in the cellar to dry. The stains were still there. I did not see it again, and do not know where the blanket had originally been until I saw it in the bowl.

Re-examined by Mr. JACKSON—You found only one door locked on the Tuesday?—Only one door I tried.

You cannot say anything with regard to the other doors, whether they were locked or unlocked?—Not that day. On the Wednesday I could not get into the dining-room; I tried the door and it would not open, so naturally I knew it was locked. The drawing-room was also locked, but that was not unusual for me.

# Evidence for Prosecution.

Mrs Mabel Smith

What was the first time you found the doctor's room on the top floor unlocked?—I found it locked on the Tuesday and the Wednesday, but I had no occasion to go to that room any more.

Was there anything downstairs to cause the smell you noticed on the Thursday?—No.

How many petrol tins did you see?—Two, I saw one in the recess and one on the cellar head. As far as I know, one used to stand on the cellar head from when I went there. Before the fire started I had never seen one in the yard before.

How much of that blanket stain which was in the yard, blood-stained, could you see?—Well, very badly. I should think it left a nasty black mark almost all over it.

By Mr. JUSTICE SINGLETON—You were on the premises on the Tuesday, Wednesday, and Thursday?—Yes.

Who was there beside you—Mrs. Curwen at some time?—Yes, in the afternoons. I used to relieve Mrs. Curwen; she used to go across home to do her room in the afternoon and come back.

Did you ever make the doctor's bed?—No.

At any later stage, did you ever go into the bedroom at all?—No.

You had no duties in connexion with that?—No, before the 17th I did. I was working the first week in August. I made his bed once Mrs. Curwen made it as a rule.

You never went into his room yourself after 16th September?—Yes; I went in once after, during the week from the Tuesday, the day I burned the papers.

Which day was that, as far as you remember?—I cannot remember that day. It would be on the Thursday; the doctor went with me in the afternoon.

Was that the day you say he came back about 3.15?—No; that is the day I burned the papers, when the petrol was put on them, but I cannot remember the day.

Can you remember which day you went into the bedroom first. You said you could not get in when you tried the door on the Tuesday. When was it you went into the bedroom?—I cannot remember that day. I followed him up the stairs and carried a portmanteau down; he could not do it with his hands.

It was not the Tuesday?—No; it was the following week, the second week after the disappearance.

You never made his bed after the disappearance of Mrs. Ruxton?—No.

HERBERT ANDERSON, recalled, further examined by Mr. JACKSON—Have you had an opportunity of looking at those diaries?—Yes all of them.

Are you prepared to say whether you believe the writing to be that of the prisoner?—Yes, I am.

# Buck Ruxton.

Herbert Anderson

Cross-examined by Mr. NORMAN BIRKETT—When you saw Dr. Ruxton in the evening of Monday, 16th September, it is quite clear that he said that he had thrown away the tin opener which had caused this bad hand?—Yes.

When was it for the first time that he said anything about the possibility of Mary Rogerson being pregnant?—I am not sure whether he did not mention it before they disappeared. I cannot swear to it, but I have rather an inclination that he did. He mentioned it during the second week after they had gone away; he used the word "abortion" that day in my surgery.

Have you been associated with Dr. Ruxton in dental operations?—Yes; in a great many.

Did he give the general anæsthetic and you extracted the teeth?—Yes.

And on such occasions there is a good deal of blood about?—Yes.

Did you ever see Dr. Ruxton wearing a white coat, or any protective covering during these operations?—Not on any single occasion.

Did you see him wearing a blue suit on some of those occasions?—Several times.

Are you able to tell us or not whether upon any of those occasions you actually saw blood go on to his suit?—Yes, I did.

Have you ever seen Dr. Ruxton wearing that coat [Exhibit 35 produced]?—I think that was the coat. It was something like that, but I could not exactly swear.

Did you extract a tooth of Dr. Ruxton's little girl, Diane, some time in the week ending 14th September?—Yes.

Was the doctor there?—Yes.

You had been with Dr. Ruxton, had you not, to Seattle?—Yes.

Do you know the road to Seattle?—No.

Do you know whether you turned off at Levens Bridge?—Yes, that is a main road, Levens Bridge.

You do not know the road. Was there an occasion when you went to Seattle with the doctor when you lost your way?—Yes.

Is the road to Seattle rather a zig-zag road after you get off the main road?—Yes.

Do you know where you rejoined the main road on that occasion when you got lost?—I could not remember.

You have been, on occasion, to Scotland with Dr. Ruxton in the car, or to Carlisle or the north?—Yes, to Stranraer.

Had you to go over Shap?—Yes.

Did you take a long time?—Yes.

Do you remember how long it took you to go over Shap Fell?—We seemed to be stranded about an hour owing to heavy mist, coming back about midnight. The doctor was driving.

# Evidence for Prosecution.

Herbert Anderson

Re-examined by Mr. JACKSON—Do you know whether the doctor went on more than one occasion to Seattle?—We went two or three times to see the children and stayed to supper.

You say there was a good deal of blood about at the dental operations you did with Dr. Ruxton. When was the last time before the disappearance of Mrs. Ruxton that you had a dental operation in association with him?—I could not state the date, but I had several after the disappearance.

Where did they take place?—Generally at my surgery. I only once had one at his surgery, and it was a small job we did in the waiting-room.

Was there much blood about on that occasion?—Scarcely any.

DOROTHY ELIZABETH MATHER, examined by Mr. JACKSON—I am a domestic servant residing at 9 Great John Street, Lancaster. Tuesday is my half-holiday, and on Tuesday, 17th September, I went home. I sleep in a back bedroom which looks out on to the County Cinema wall over Dr. Ruxton's backyard. That night I was in my bedroom between half-past seven and eight o'clock and saw the reflection of a fire shining on to the wall of the County Cinema. I went to the cinema and got home again about eleven o'clock; the reflection had died down a bit but not much. It kept flickering in and out.

By Mr. JUSTICE SINGLETON—Did you smell anything?—Oh yes. I could not exactly tell you what it was, but it was a peculiar smell, a smell of burning.

Cross-examined by Mr. NORMAN BIRKETT—Looking from your bedroom window across to the cinema wall, you could only see the top part of the cinema wall?—Yes

What floor is your bedroom on?—The top floor, the third floor.

Did you say that the top part was lit up?—Not the top part.

What part was lit up?—The top part was lit with the reflection we saw, my sister and I.

CATHERINE ANNIE MATHER, examined by Mr. MAXWELL FYFE—I am a shop assistant residing at 9 Great John Street, Lancaster, and a sister of the last witness. On 17th September I was in my bedroom, which I share with my sister, about ten minutes past eight in the evening, and saw the reflection of a fire from Dr. Ruxton's backyard. I went to the picture house and then to bed about twelve o'clock, and found that the reflection was still there.

Cross-examined by Mr. NORMAN BIRKETT—When you looked out at twelve o'clock it must have been a tremendous bonfire to light up the whole place at midnight?—It must have been; it lit all the room up.

# Buck Ruxton.

Catherine A. Mather

Do you remember either the picture house you went to or the picture you saw?—No.

But you do remember this fire?—Yes.

Could you read by this light?—I daresay you could have done.

It must have lit the sky?—I do not know; I never looked at the sky, but the light was sufficient to read by.

ERNEST WILLIAM SHERMAN, examined by Mr. MAXWELL FYFE—I am a warehouseman and live at 1 Friar's Passage, Lancaster. On Thursday, 19th September, I was in the passage about 8.30 in the evening, and on looking through a crack in Dr. Ruxton's back door saw a fire about halfway up his yard. The reflection was cast on the wall of the County Cinema. I saw the fire still burning about 10.30 p.m.

Cross-examined by Mr. NORMAN BIRKETT—How are you sure that this was on the date you say?—I went to the Picturedrome that night; I generally go on Monday and Thursday.

ALFRED TURNER, examined by Mr. JACKSON—I am a commissionaire at the County Cinema. On Thursday evening, 19th September, I was in our storeroom which faces opposite the wall of the cinema, about nine o'clock, and saw a glare on the wall opposite. I looked out of the window and saw a fire in the middle of Dr. Ruxton's yard. I saw Dr. Ruxton poking the fire, and after watching for a few minutes I went on with my work.

Cross-examined by Mr. NORMAN BIRKETT—What makes you sure that it was the 19th, the Thursday?—I was wrapping up window bills.

Was that the only night you saw it?—Yes.

Standing at that window you look right into Dr. Ruxton's yard and you had a brilliant opportunity of seeing anything that went on there?—Yes.

Were you there on Tuesday, 17th September?—Yes

Did you see the blaze that lit right up to the top of the roof?—No.

You would have done if there had been one?—Yes.

Re-examined by Mr. JACKSON—Wrapping the window bills is an occupation you do on Thursdays only?—Yes.

What would you have to go into the store for on the Tuesday?—Just to wrap the bills for posting which I do every Tuesday.

What time did you do it on the Tuesday?—Between 9 and 9.30.

JOHN THOMAS JACKSON, examined by Mr. JACKSON—In September last I was manager of the County Cinema, next door to Dr. Ruxton. On the 19th, which I think was a Thursday, I left the cinema at

# Buck Ruxton.

Mrs Elizabeth Curwen

Did you see the doctor's hand?—Yes; it was bandaged, and he said he had cut it with a tin which he was opening on the Sunday morning.

When you left the house on the Friday had you any knowledge at all of any decorators coming in?—No.

Before you left on the Tuesday, did the doctor ask you to do anything?—Yes. I left at 7.45 p.m. and he asked me about seven o'clock to make a large fire in the waiting-room. He said he was going to stay up all night as he could not sleep with Mrs. Ruxton being away. I did not go upstairs at all that day. I was there as cook-general, and had to do the doctor's bed, or clean his room, or do anything, but that day I did not go up at all. I went again on the Wednesday, arriving there at 8.30 a.m., and I saw the carpets all in a heap in the yard. I had seen the carpets on the previous night in the yard. During the following week I swept up the yard, and in cleaning it out I swept up some blue and red material, some papers, and a swab of cotton wool with blood on it. The light blue material was like the coat Mary Rogerson used to wear and the red was like an old-fashioned dressing gown that she used. They were burned. When I was swilling the carpets the doctor was in the yard. The swab of cotton wool was under the surgery window, and I put it in an old dustbin which was emptied by the dustmen later on. I did not see anything on the carpets, but thought that by swilling them they would clean easier. Dr. Ruxton came up and told me I did not need to bother as he was going to have new ones put down. I said that Mrs. Oxley and I would like a piece of them if he was doing that, and he said we could do what we liked with them. I took my piece away, and later gave it to the police. During the Wednesday morning Mrs. Anderson rang up and left a message for the doctor asking him to take Diane and Billie down to the carnival at Morecambe for the day, which message I delivered. I left at 1.30, and came back at six o'clock. I went to the house the next day, the Thursday, about 8.30 a.m. Neither the doctor nor the children were there; only Mrs. Oxley. I made a bed for Dr. Ruxton in Mrs. Ruxton's bedroom in the bed she usually slept in. I did not go into the doctor's room at all that week—normally the doctor slept in the spare bedroom. I was on the top landing and noticed a nasty smell coming from the doctor's room. I tried the door, but it was locked and there was no key. The drawing-room and dining-room were also locked. Mrs. Oxley called in the afternoon, and also Mrs. Anderson's maid who brought the children back about 2.30. The doctor came in between 3 and 3.30 and asked for his lunch. I sent out for some and took it in to him in the lounge. I left about 8.45 p.m. On Friday, the next day, I arrived at my usual time and served the doctor with his lunch. He told me he had been to Blackburn on



# Evidence for Prosecution.

Mrs Elizabeth Curwen

Thursday and had gone to the offices which Mrs. Ruxton took, that he had walked up and down the front of the offices to see if he could see anything of Mrs. Ruxton, and he parked his car, but could not see anything of her, so he came back home.

Did you purchase that spray [Exhibit 91 produced]?—Yes; Dr. Ruxton asked me to get it and a bottle of eau de cologne on Friday, the 20th, which I did. He was having his lunch and said that there was a nasty, stuffy smell in the house. Afterwards I met the doctor coming down the stairs with the syringe, which, I could smell, had been used.

Do you remember seeing a blanket anywhere?—Yes, it was in an enamel bowl in the recess in the backyard with a tap running on it. I wrung it out and put it in the washing machine we had and then through the mangle, and left it in some fresh water for Mrs. Smith to finish off. The blanket was heavily blood-stained. The blanket was there in the house before Mrs. Ruxton disappeared on the 15th, and when I went on the 17th it was in the recess.

Did Dr. Ruxton have some conversation with you with regard to Mary Rogerson?—Yes, after she had disappeared. He asked me if I thought Mary was pregnant. I said that she looked stouter than usual, but then I had not seen her for twelve months up to going back the third week in August and I thought she looked better. I know she was not pregnant as I noticed a fortnight after they were missing a sanitary bag in Mary Rogerson's bedroom. The bag was stained and had sanitary towels in it which had been used and which I burned; this evidence satisfied me that she was not pregnant.

On that occasion did the prisoner give you any explanation to account for Mrs. Ruxton's and Mary Rogerson's disappearance?—He said that Mrs. Ruxton had taken Mary Rogerson up to Edinburgh to some young doctor she knew up there to perform an illegal operation on her and she would bring her back when all was over. He told me this during their disappearance, a good time before his arrest, but I am not sure of the date.

Did you notice anything with regard to the casement curtains at any of the windows going up the stairs?—Yes. During the first week I took them down when Mrs. Smith was taking the paper off and noticed that they were blood-stained. I put them in the dirty-linen basket on the top landing facing Mrs. Ruxton's bedroom. Dr. Ruxton saw me take them down, and afterwards asked me what I had done with them. He told me not to keep them in the dirty-linen basket, and tore off the bottom portion that was blood-stained. I do not know what he did with this part.

Did he make any remark when he tore that off?—He said the police would be saying next that he had murdered Mrs. Smalley.

Do you remember being seen by the police the first time?—Yes.

# Buck Ruxton.

Mrs Elizabeth Curwen

It was in the second week after Mrs. Ruxton's disappearance. I went back to Dr. Ruxton's house and told him I had been there. He became very agitated and asked me to tell him everything that the police had asked me. I told him that the police had asked me about the wallpaper being scraped off the walls and the stair carpet being taken up. He went right across to the police station.

Do you remember the doctor giving you some clothes?—Yes; it was on the 9th October. At Dr. Ruxton's instruction I took them out of Mrs. Ruxton's wardrobe—they were her clothes.

Did Dr. Ruxton tell you why he wanted that wearing apparel of Mrs. Ruxton's taken from the wardrobe?—He said I had to pack the case as he was going to take the best clothes to Mrs. Ruxton's sister's in Edinburgh on the Wednesday when he went to see her. I took them all out of the wardrobe and laid them on Mrs. Ruxton's bed in her bedroom. I noticed a ring of a peculiar shape; it was just a plain thin gold ring, a three-cornered one, and I left it on Mrs. Ruxton's dressing table. It was Mrs. Ruxton's; I have seen her wearing it. I never saw it again. The doctor took me upstairs on the Wednesday morning and showed me which clothes I had to pack. I packed the ones he selected in a suitcase.

Is that the suitcase [Exhibit 92 produced]?—It was something like that.

[Witness was shown several articles of clothing and miscellaneous objects which she identified as belonging to Mrs. Ruxton.\*]

The doctor had told you he was taking part of her clothing to Mrs. Ruxton's sister in Edinburgh?—Yes.

Before he went away that day, did he go out and get a shave?—Yes, and then he came back and started off to go to Edinburgh. He was coming out of the bathroom when I saw him and reminded him of the case, and he said he could not be bothered taking it that day. He went without it. Mrs. Oxley and I sorted out the articles that were not packed and selected some to take away.

Do you remember an occasion when you were in the kitchen with Mrs. Oxley and Mrs. Smith came in?—Yes, we were having breakfast. While we were talking the doctor came in; I think he had just got up. He said we knew the house had always been an open house to us all to come in and out as we pleased.

The day before his arrest were you in the yard?—Yes, it was after lunch. I was leaving at 1.30 to go home—I used to come back again about four o'clock—and I heard a noise while I was standing in the scullery putting on my coat, and could not under-

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See Appendix I., Exhibits 93-117.

# Evidence for Prosecution.

Mrs Elizabeth Curwen

stand where it was coming from. The backyard door was open, so I went out into the yard, and when I got near the recess I found Dr. Ruxton in a corner of the recess with an axe in his hand. That was the recess where the blood-stained blanket was. He was scraping the walls and the floor in the right-hand corner, and he said the police would be saying next he had done a murder. He did not say what he was doing, but I saw him scraping.

Who broke this tin opener [Exhibit 87 produced]?—I did; it was after Mrs. Ruxton disappeared. It was an ordinary tin opener that I used in the house.

Is that another tin opener [Exhibit 88 produced]?—Yes; I got it after the arrest of Dr. Ruxton.

Is that also a tool which has a corkscrew on it and also a tin opener at the end?—Yes. I have not seen that in the house. When I took over for Dr. Ruxton there was one like it which I broke, but I have never seen one like it or any other in the house since I came back in 1935.

Did you notice anything in the recess at any time with regard to a trunk?—Yes; when I found the blue and red material I noticed what seemed to be one long and two short handles which appeared to be off a travelling case. They were all burned when I found them.

Do you recognize these shoes [produced]?—Yes, they are Mrs. Ruxton's.

Cross-examined by Mr. NORMAN BIRKETT—Do you remember whether some time or other between 1929 and the beginning of 1934 the decorators came to do decorating work? Do you remember in the spring, about April, 1930, the waiting-room, stairs, and the bathroom were decorated?—Yes.

In 1931, just after Christmas, were the lounge and the dining-room and some parts of the stairs near the bedroom decorated?—Yes.

Mrs. Ruxton's and Mary's rooms were also done in 1933. On these occasions, before the decorators came, was it not the habit in that house to strip the walls ready for the decorators?—No, it was not done.

You do not recollect any stripping anywhere, or at any time, before the decorators came?—No.

Because you were not well, you went away about the beginning of 1934, and came back again about June?—Yes.

Can you say how long you stayed then?—From June until the second week of September.

Were you there when Mrs. Ruxton ran away to Edinburgh in 1934?—Yes.

Were all her things packed in suitcases?—Yes; each person in the house had a job to do that morning, getting the suitcases away, and so on.

# Buck Ruxton.

Mrs Elizabeth Curwen

Did Mary Rogerson take any part in that?—Yes; she had packed all the cases that week before Mrs. Ruxton went, and assigned the work to each of us that morning.

You did not know, of course, what the clothing of Mrs. Ruxton was, did you?—No, I did not know all she had.

For example, in all the clothing that has been produced there are no hats, but presumably she did have some?—Not many, but have seen a tweed one.

Did she have many stockings or much underclothing?—No, she did not have many.

The only way you were brought into connexion with the clothes would be in washing some of them at intervals?—Yes.

But, latterly, towards the end of August, 1935, there seemed to be more clothing than there had been when you were there before—Yes.

Was it a habit in the house, during the periods you were there for certain of the doors of the rooms to be locked?—Yes. Mrs. Ruxton's bedroom and the doctor's spare bedroom used to be locked on account of the children getting to the windows and falling out. The drawing-room was not very often open, but the dining-room was always open, because I used to clean the silver.

Was what you have just told us the custom both during the long period from 1929 to 1934, and from June to the closing part of 1934?—Yes.

Does it also apply to the last period from August, 1935, down to September?—Well, Mrs. Ruxton had more clothes.

What you found during the whole of the time there was that certain rooms were accustomed to be locked?—I do not know about these last twelve months, but they were the first years I worked there.

With regard to Mrs. Ruxton's room and the doctor's room, that was because of the danger of the children falling from the windows?—Yes.

When the doors were locked, sometimes were the keys left in the doors?—Yes, they were either in a box on the hall table or there was a nail over Mrs. Ruxton's door where you could go and get the keys. The drawing-room key was also kept in the small box.

So there was nothing unusual in the doctor's room being locked or Mrs. Ruxton's room being locked?—No.

So far as Mary Rogerson's room was concerned, I do not think that had a lock on it?—That was never locked, it was always open; it had no key.

From August, 1935, until Mrs. Ruxton and Mary went away, what was the hour, usually, that you went away?—I really cannot state that, because sometimes the doctor used to go to the pictures.

Did you always leave after surgery hours?—Yes.

An example of the many Pencilled Notes handed by Dr. Ruxton to Mr Norman Birkett, K C , during the Trial. This Note was handed down during Mr. Birkett's Cross-examination of Mrs Oxley, and refers to the question of the doors being locked at 2 Dalton Square



# Evidence for Prosecution.

Mrs Elizabeth Curwen

During this last period, from August, 1935, were the surgery hours 2 to 4 and 6.30 to 8?—Yes

After the surgery was closed was it your habit also to prepare supper for the doctor, and quite frequently you just chatted with him about the events of the day as you were serving supper?—Yes.

Would it be getting on for 8.30 to 9 before you went home as a rule?—Sometimes.

Do you know whether Mrs. Ruxton had or had not many rings?—She had not to my knowledge—she was accustomed to wearing a wedding ring.

This V-shaped ring you spoke of, did she wear it regularly?—No, she did not wear it regularly.

Did you notice whether Mary Rogerson wore a ring?—I never saw her wearing a ring of any kind.

When you said that Dr. Ruxton had cut his hand on a tin, did you not mean a tin opener?—Yes.

The doctor slept in the bed in Mrs Ruxton's room after Sunday, 15th September?—Yes.

Mrs. Ruxton was accustomed to sleep in the same room with the children?—Yes; after she left the doctor slept there with the children.

Did you yourself make any beds after that Sunday?—Yes, always the one in Mrs. Ruxton's room.

Did you ever try the door of the doctor's room at all after the 15th?—Yes, I did try the doctor's room during the first week after Mrs. Ruxton's disappearance. I cannot tell exactly which time it was.

Was there ever any time during that week when the door was open?—On the Friday morning.

You are quite sure about that?—Yes, I am positive, because I cleaned the room out and made the bed up.

It was on Tuesday night that you say you saw the carpets in the yard first of all. What time was that?—I think it would be about six o'clock; I left at 7.45.

About half-past six you were in the yard. Did you see a big fire, or a fire at all in the yard?—I never saw anything.

Now, it was the Wednesday morning that you swilled the carpets. When you swilled the carpets that morning, there was nothing noticeable about them?—I did not notice anything on them.

Did you scrub them out?—Yes, and I swilled them down with a brush; the water all went down a drain.

I expect you used a good many buckets?—Yes, I would use a few.

But you did not notice anything at all about the carpets?—No.

Was it just about the same time that you swept up this debris in the yard—the bit of red and blue material?—That was the Wednesday of the second week.

When you were before the magistrates you said the sweeping up

# Buck Ruxton.

Mrs Elizabeth Curwen

of the blue and red material was in fact on the Wednesday, the 18th, which you now have said was the week following?—Yes, but I know it was the second week.

What you say here to-day is the thing that matters?—It was the second week, because I had the new dustbin to get for the yard. It was the same night as I was interviewed by the police, Tuesday, the second week after Mrs. Ruxton's disappearance.

Was it also upon that occasion that there was the cotton wool which was stained with blood?—Yes, that was the second week.

Was there much material that you saw, partly burned?—There was not very much of it—it was a big piece.

Was it the size of this foolscap sheet of paper?—No, half that size; the red material was about the same size also.

Did you examine it closely?—No, I did not.

Was it afterwards that it occurred to you that it looked like something that Mary Rogerson had worn?—Yes, the blue beret which has been produced in Court.

What time of day was it that you saw the cotton wool in the second week?—I used to go home just after four o'clock; when Mrs. Smith was there I used to be able to leave the children with her while I slipped across home. I was coming back about six o'clock on the Tuesday night, the night I was questioned by the police, 24th September.

What time did you get to the house on Thursday, 19th September?—About 8.45 a.m.

The doctor was not there that morning?—No, I am positive he was not. Mrs. Oxley was there.

That was the morning you noticed the smell?—Yes.

Was that the day the doctor referred to the smell?—No, that was the next day, the Friday, when he said the house smelt stuffy.

Had you ever noticed this smell before?—No.

Was the doctor's room open when you got there and the doctor not there?—Mrs. Ruxton's bedroom door was open, but I cannot think whether the doctor's was.

When this smell came from the room did you not go into the room to see what it was?—We went into the lounge, we did not go into the bedroom.

I understood you answered my learned friend that the smell on the Thursday morning came from one place only, the doctor's bedroom?—The doctor's bedroom.

Did you go in and look?—No, we did not go into the bedroom; we smelt the smell outside the bedroom.

Why did you not go into the room that morning when you smelt the smell, having at that time no suspicion about anything at all?—I did not go into the bedroom. I went into the lounge.

It is the bedroom that I am dealing with?—And that was where the smell was coming from too.



# Evidence for Prosecution.

Mrs Elizabeth Curwen

Do you say the smell was coming from the lounge?—Yes. I said in my first statement the smell was coming from the lounge and the top landing.

I will deal with what you have said in Court to-day. You were expressly asked where that smell was coming from and you said the doctor's bedroom, and you said also that that room was locked on the Thursday afternoon. Do you now say that the smell was coming from the lounge?—It was from the lounge as well.

Did you go into the lounge and look?—Yes, I did.

Did you find anything there that was giving off a smell?—No, it was coming from the drawing-room.

Did you go into the drawing-room?—We could not get into the drawing-room; it was locked.

Did you look for the key?—No.

You knew the key was kept in the little receptacle in the hall table, as a rule, did you not?—Yes, but we never saw it the first week at all.

Did you look for it, the key of the drawing-room?—Yes.

At what time did the doctor come back that day, Thursday?—It was between 3.15 and 3.30. There were patients waiting for the doctor and they asked me if I thought he would be long as they had not time to wait. When I looked it was 3.15 and the doctor was not in for a good bit after that.

It would not be before two o'clock?—No, it was not, because Mrs. Anderson's maid brought the children back between 2 and 2.30 and there were no signs of the doctor then.

Are you sure he was not back before three o'clock, about 2.45?—I am positive it was after three o'clock.

On Friday, the 20th, did the doctor tell you he had been to Blackburn the day before?—Yes.

Did you know about Mrs. Ruxton and Blackburn?—Yes, I did.

Did you know it was her habit to go there?—No; I knew about her and Blackburn because she came to my house to ask me whether I would go with her. It was the third week in August. I went on two afternoons with her to certain premises there.

It was this Friday that the syringe and eau de cologne were bought and, in fact, the doctor used them?—Yes. I smelt eau de cologne in Mrs. Ruxton's room, down the staircase, and in the lounge. I did not see him do it.

Did you ever clean the bath on any of the days?—Yes. I cleaned it the second week, because I gave the children a bath.

Was the bath clean then?—Yes, only just a rust mark which came from the geyser. It was quite clean from the Tuesday I went.

Did you ever see the bath dirty at any time?—No, not to call dirty.

# Buck Ruxton.

Mrs Elizabeth Curwen

Did you go into the bathroom in the ordinary way almost every day when you were there?—Yes.

Did you go in on the Tuesday for anything?—No, I did not go in on the Tuesday.

Did you at any time that you were in the house notice anything singular about the bath?—Only the rust where the tap had dripped.

Did you notice the blood on the curtain yourself?—Yes.

Did you put it into the linen basket without speaking to anybody with the idea of having it washed?—Yes.

Do you remember what day you did it?—I think it was Wednesday, the first week.

Was the doctor there when you took it out of the linen basket?—Yes, it was when the doctor tore a piece off. I did not see him burn it.

It was then you say that he mentioned something about Mrs. Smalley. Had you been asked anything then about Mrs. Smalley by the police?—No.

It was, therefore, before the 24th?—Yes.

Did you know what he meant when he said, "They will be saying I murdered Mrs. Smalley"?—I did not. I think I had a conversation with the doctor over that when it was in the paper.

Do you know who put the blanket in the bowl in the recess where the tap is?—No, I do not.

Do you know where the blanket came from?—I cannot say.

Did you, for the first time, see it there?—Yes.

Now about the clothes before he was going to Edinburgh—where were they packed into the suitcase?—They were packed on the Wednesday morning, 9th October, in Dr. Ruxton's bedroom.

They were packed up on the footing that he was shortly going to see the sister in Edinburgh, and would take the clothes there?—He was going the same day.

And he never took them?—No.

As for the rest, he said, "Well, you may have those"?—Yes, Mrs. Oxley and myself. I gave Mrs. Smith hers.

Did you know whether Mrs. Ruxton had bought a new three-piece suit on 6th September, 1935?—No, I did not know that.

Was there a cash box kept in the doctor's room?—Yes, a black one with a small handle to it.

Did you ever see the doctor with a very large sum of money, about £100 in bank notes?—Not in the black box.

Taken out of the box?—I went to ask the doctor for some house-keeping money and he gave me £1 out of some housekeeping money and he had two £50 cheques and a few loose pound notes. This was in September.

Were these two cheques not bank notes?—Yes.

Did you know that in that room he kept valuables, whether cheques or notes, in that little box?—I knew the doctor used to

# Evidence for Prosecution.

Mrs Elizabeth Curwen

keep his money in that room, but I cannot say where he used to keep it.

Now, in this recess where you say you saw him with the axe, was there anything that you could see that was chipped off, either lime or plaster, or anything else?—I did not take the trouble to look, as I was going home.

You said that the only tin opener you have seen is the tin opener like the one you bought, your broken one?—Yes.

You never saw one with a plunger on, and a handle and a knife?—I have never seen one with a knife, but I did, in the year when I took over for Dr. Ruxton, see one with a corkscrew on.

Like the one shown here to-day?—Yes, but I have never seen one with a knife on.

Did you often go into Mary's room before she went away?—I have only been in Mary's room on one occasion before she disappeared.

Did you go into Mary Rogerson's room after she went away?—Yes.

Did you find anything at all in her room that was noticeable?—I found nothing except a bag of sanitary towels, about half a dozen of them. They looked as though they had been previously used and put into this cotton bag ready for boiling. They were of the kind that would be washed and used again.

Did you find anything in the room belonging to Mary Rogerson that was in any way singular or important?—There was a white cotton nightdress and two old pairs of shoes.

Re-examined by Mr. JACKSON—You have been asked with regard to Mrs. Ruxton wearing a wedding ring. Did she always wear a wedding ring?—Not always.

On the occasion in 1934 when she left the prisoner, did she take all her clothes with her?—Yes, everything.

In 1935, when she disappeared, all these clothes were left at home?—Yes.

You have told us that on occasions doors were locked in that house even in 1934. Was there ever any occasion before Mrs. Ruxton disappeared when the doors had been locked and there had been no keys?—No.

During the early part of that week of Mrs. Ruxton's disappearance where did the doctor sleep, if he slept in the house?—In Mrs. Ruxton's bedroom.

Was he sleeping with the children in that room?—No, they were down at Mrs. Anderson's on the Wednesday. I was not there on the Monday. The children were there on the Tuesday because I went down with the doctor to the private school to bring them home. I went home at six o'clock on the Wednesday night, so I was not there late.

# Buck Ruxton.

Mrs Elizabeth Curwen

With regard to that Thursday and the time the doctor came in, what made you look at your watch at 3.15?—There were patients waiting for him at two o'clock, and a lady said she could not wait any longer.

On what day did you first see the blanket you spoke of?—It was the Tuesday afternoon I saw the blanket first. Tuesday was the first day that I had gone there that week.

By Mr. JUSTICE SINGLETON—As far as you know you say that Dr. Ruxton slept in Mrs. Ruxton's bedroom?—Yes.

You mentioned earlier that it was on the Friday that you went into his bedroom, cleaned the room up, and made the bed?—Yes.

Had the bed been slept in since it had been made?—On the Sunday, 22nd September, I changed the bed to send the linen to the laundry.

When you were asked about the doctor's room you said it was locked when you tried it earlier in the week. Then you said on Friday morning it was open, and you said to Mr. Birkett, "I am sure of that because I cleaned the room up and made the bed up." What did you do in the doctor's spare room on the Friday?—The bedroom door was open on the Friday. I think I was wrong in saying I made the bed up.

It had not been slept in?—No.

You said you found in Mary Rogerson's room a white cotton nightdress. Was it a clean one or was it soiled?—It was one she had been using and had been worn since it had been washed.

Where was it when you found it?—It was on a chair in Mary Rogerson's bedroom.

It was at the request of Dr. Ruxton that you got Mrs. Ruxton's clothes together and put them on the bed?—Yes.

Did you do anything with Mary Rogerson's clothes?—The doctor asked me, the same day as I took Mrs. Ruxton's out of the wardrobe, if I had packed Mary Rogerson's clothes up ready for going home.

Did you pack those?—Some of them; I did not get them all packed.

With regard to Mrs. Ruxton's clothing, some pieces were packed by you, and the others divided out?—Yes.

Did that account for all the clothing that she had that you found?—Yes.

Do you know what happened to the clothes of Mary Rogerson that you packed?—No, I do not.

ALBERT LEES, examined by Mr. SHAWCROSS—I am a motor mechanic employed at the County Garage, Morecambe. In September, 1935, I attended to Dr. Ruxton's Hillman Minx when

# Evidence for Prosecution.

Albert Lees

it was brought in for service. It was taken away about 6 p.m. on the 18th by Dr. Ruxton, who came for it in a fawn-coloured Austin which he left, asking me to take it to the garage.

Cross-examined by Mr. NORMAN BIRKETT—Can you tell me what time of day the Hillman Minx came in for service?—I think it was the morning.

You do not remember the time?—No.

Was your work to do the decarbonization?—Yes.

What was the condition of the Hillman Minx?—Clean.

DOROTHY NEILD, examined by Mr. MAXWELL FYFE—I am employed as housemaid at Mrs. Anderson's, 126 Balmoral Road, Morecambe. On Wednesday, 18th September, I went with Mrs. Anderson and the two youngest children of Dr. Ruxton in the doctor's car to the promenade to see a procession. The doctor was driving. We returned to Mrs. Anderson's house about four o'clock, after the procession was over, and the doctor brought his eldest child, Elizabeth, who had been in the procession, back to the house also about 5.30. The Ruxton children slept in our house that night, and when I went to bed about 11 p.m. Dr. Ruxton was still in the house. I do not remember the doctor coming to the house at all the next day, Thursday, 19th September. I took the children on the 1.25 bus to Lancaster and got to the doctor's house about 2.15 or 2.30 after we had called at a sweet shop. I then handed them over to Mrs. Curwen.

Do you remember the doctor coming any time between that date and the time he was arrested?—Yes, he came several times. On Saturday, 12th October, he came about 10 or 10.30 a.m. and asked if I could say he had been every day since his wife had gone away, and I said that I thought I could. He went away, and returned about half an hour afterwards and asked me if I thought I could say he had been on the Thursday following the carnival; I said I thought I could, and he asked me if I was sure and I said, Yes. He then left the house.

Was that what you thought at the time?—Yes.

It was not so, in fact?—No, it was not so.

You realize now that you were wrong?—Yes.

Cross-examined by Mr. NORMAN BIRKETT—On 12th October he saw you twice about this matter, once at ten o'clock, and once at about eleven?—Somewhere about that time.

On the first occasion he said, "You are sure?" and you said "Yes"?—Yes.

And on the second occasion he came again and said, "You are sure are you not?" and you said "Yes"?—Yes.

Did you believe it?—I was not just thinking at the time. I should have been, but I was not.

# Buck Ruxton.

Dorothy Neild

On 12th October, when you thought he had been every day, at that time you thought it was true, because you had not thought about it?—Yes

Now, after that you changed your mind and you now say that he never came on the Thursday?—No, he did not come on the Thursday.

How many times were you seen by the police?—Once only, about a fortnight after his arrest.

Supposing I were to ask you whether he came on the 17th would you know?—I would not, because I did not see the doctor every time he came.

And for all you know he may have been on the 19th, and you had not seen him?—I generally answer the door, but I did not see him that morning.

Where were you about 11 45 on the morning of the 19th?—I was in the kitchen of Mrs Anderson's house.

So if Dr Ruxton was there about 11 45, and left about 11.45 in the ordinary way, you would have seen him?—Yes.

The children were there?—Yes.

How far is the sweet shop from Dalton Square?—Just down the street from the doctor's house.

How long does the 1.25 bus from Morecambe to Lancaster take about?—I cannot say exactly, but I should say about 25 minutes or half an hour.

That would make it 1 50?—Somewhere about that.

How far is the bus terminus from Dalton Square?—Just across the road.

In that ten minutes you made a little journey to a sweet shop?—Yes, we stayed in the sweet shop for about ten minutes; the children were choosing sweets to buy.

Then it would be just after two o'clock when you arrived, ultimately, at 2 Dalton Square?—Yes. It would be somewhere between 2 and 2.15. I cannot just say the time.

Was the doctor there at all as far as you could see?—No

BESSIE PHILBROOK, examined by Mr. MAXWELL FYFE—Dr. Ruxton was my family doctor, and I knew Mrs. Ruxton in social matters; I also occasionally took the children out for their walks. On Friday, 20th September, Dr. Ruxton came to my house between 4.30 and 5 in the afternoon to see if I would take the children out whilst Mrs Curwen went shopping. I agreed to do that, and went with the doctor in his car to Dalton Square to pick up the children. I took them to my house where they stayed until about 7 p.m. and then I took them home. The doctor was in his surgery when I got to Dalton Square and I asked him if he would like me to put the children to bed for him. He said he would, and asked me after I had put them to bed if I would stay a little while, while he went to make a few calls. I did that and he came back about ten o'clock.

# Evidence for Prosecution.

Bessie Philbrook

Now, at that time, did you have any conversation with the doctor about his wife?—Yes. On that same Friday going down in his car he told me that Mrs. Ruxton and Mary were in Scotland, and he asked me if I knew if Mary was pregnant. I had not mentioned anything about Mary. That was all that was said.

Two days after that, on the Sunday, did the doctor come to your house?—Yes, he came at seven in the evening. He asked if I could sit with the children while he went to Morecambe, so I went to Dalton Square and stayed there until about 10 p.m. The doctor was out during that time, and whilst he was out Mary Rogerson's brother came. I told him he must come back to see the doctor. When the doctor came in about 10 p.m., I told him about the call, and he said her brother would be after her wages.

Since that date, the 22nd, have you been to Dalton Square at other times?—Yes, several times to look after the children. The last time was on Saturday, 12th October.

Did the doctor say anything to you the day before, Friday?—Yes; he said he knew his wife was unfaithful. He believed it after her leaving him, but not Mary. I do not remember anything further.

THOMAS HARRISON, examined by Mr. JACKSON—On Sunday, 22nd September, I met Dr. Ruxton in Dalton Square about four o'clock. He drove me in his car to Miss Sharples. I asked him how he came to cut his hand and he said with a tin opener. He came into Miss Sharples' house with me. Later on he said that Mrs. Ruxton had gone to Blackpool. A fortnight later he came to my house and asked me if I had seen Mrs. Ruxton. I told him we had not seen her, and she had not been to our house for some time. He asked me if I would tell Bobby not to interfere with his affairs and to keep away from Mrs. Ruxton. Bobby was Mr. Edmondson, junior

Cross-examined by Mr. NORMAN BIRKETT—On the 22nd September Dr. Ruxton said that Mrs. Ruxton had gone to Blackpool. When did he say that?—When we were in the car on the way to Miss Sharples'.

You had been in the habit, in previous years, with your wife, of going with Dr. and Mrs. Ruxton to Blackpool?—I had been to Blackpool several times with Dr. Ruxton.

Was he not referring to that when he mentioned Blackpool that day, that Mrs. Ruxton this time had been alone to Blackpool?—I do not know, he just said that Mrs. Ruxton had gone to Blackpool. I mean we did not enter into conversation at all.

Could it not have been possible for the reference made that day to Blackpool to have been referring to the fact that she had been some little time before to Blackpool alone?—I presume she was in the habit of going with her sister to see the illuminations at Blackpool.

# Buck Ruxton.

Thomas Harrison

At the time you attached no importance or significance to it at all?—Nothing at all.

By Mr. JUSTICE SINGLETON—Did you know on that day that she was missing?—I did not.

PETER ROGERSON, examined by Mr. JACKSON—Mary Rogerson was my sister. On 23rd September I called about 6.15 p.m. at Dr. Ruxton's house and the doctor opened the door. I asked him if Mary had arrived back yet, and he asked me to go inside. He said he would explain as best he could. We went in and he said that Mary and Mrs. Ruxton had gone on a tour to last either a week or a fortnight; he also asked me if Mary had had any trouble at home. He asked if we had heard anything from Mary and I said No. He then told me it was not unusual for him not to hear anything from Mrs. Ruxton. He asked me if I knew anything of Mary going with a laundry boy, and I said we had not heard anything of the kind. He said that Mary had drawn her wages last week in advance and he also paid me 15s. for her wages that week.

JOHN THOMAS MOFFAT, examined by Mr. SHAWCROSS—I am a detective-inspector in the Lancashire County Constabulary, stationed at Blackburn. On 24th September, 1935, I was engaged in making inquiries into the death of Mrs. Smalley, and in due course went to the Lancaster Police Office where I saw Mrs. Curwen. Between three and four in the afternoon Dr. Ruxton came to the police station. He was very excited and said to me, "Look here, Inspector Moffat, what the hell do the police want inquiring about my private affairs for?" I made a note of it at the time. "I do not know Mrs. Smalley. I have enough trouble on my mind. Come across and search my house and interview the whole damned lot of us. It is nothing but professional jealousy. I am the most progressive doctor in this town. I have over 2000 patients on my panel and every doctor is jealous of me. Why should you be making inquiries about a professional man's affairs? I can have my house cleaned and decorated whenever I like, and I can help the paper-hangers to scrape the papers off the walls without you interfering. I am a house-proud man. Why should you interfere with my servants?" At that point he held up his hand and said, "Look at my finger." His right little finger was heavily bandaged and the bandage twisted round his hand at the same time. He said, "I cut that and almost severed it with a fruit tin I was opening for my children last week. I am the most miserable man on earth. My wife leaves me, now you come bothering me. I come home from visiting my patients a fortnight ago; I go into my study and call her name. No answer. I go to her room; I find a note. It says,



# Evidence for Prosecution.

John T. Moffat

'I am going away, don't worry.' Leaves me with three kids crying for their mother and I do not know where she is. She is supposed to have gone to Scotland. I wish she would come back. It is driving me crazy.'

When he got to that stage did he do anything?—He took hold of his head with both hands, put both hands to his head, took hold of his hair and shook it violently. He then said, "And then you come to inquire about my private affairs. I know nothing about Mrs. Smalley and I was never out of my house that Thursday night." I explained to the doctor the reason of my interviewing one of his servants, and he then said, "It is professional jealousy and you will hear more about it." He then walked out of the police office.

Cross-examined by Mr. NORMAN BIRKETT—How long did the interview with Dr. Ruxton last that day?—About 5 to 10 minutes.

Was he like a man beside himself that day?—He was certainly strange in his manner.

Did you find it difficult to get down what you have been reading?—I did not get down one quarter of what he said to me.

And you did not get that down at the time?—Not at the time, but immediately afterwards.

It was pouring out of him?—Coming out in volumes.

What you tried to do was to put down in your notebook what was said on the 24th?—As correct a version as I could.

Without any thought of this case we are now concerned with?—I knew nothing about this case. It was another case altogether.

It is possible that he may have said this about his finger, "When I was opening a fruit tin last week"?—Yes, it could have been that. My impression is that he did it with a tin.

When he was saying about coming home to find his wife gone did he say something that day about "this not being the first time it has happened. She has done this before"?—No, he did not give me that impression.

In this excited outpouring that he made that day, did he make any reference to the fact that she had been away before?—No, he did not tell me so. I have no recollection of him having told me so if he did.

When he made the remark about the note being left, was not that in reference to another previous occasion?—No, it was the fortnight before my interview when he referred to the note.

That part of the conversation which you have told us you did not get down, three-quarters in fact, you have now completely forgotten?—Yes, I have.

There may have been some reference to the note on a former occasion that you have forgotten?—I do not remember him saying anything about something happening on a previous occasion.

# Buck Ruxton.

Mrs Jessie Rogerson

Mrs. JESSIE ROGERSON, examined by Mr. JACKSON—I am the stepmother of Mary Rogerson and reside at 139 Thornton Road, Morecambe. Mary was 20 on the 8th October, 1935. I have not had her measured, but I think she was about five feet. She had light brown hair and blue eyes with a slight glide in one of them. She was employed at Dr. Ruxton's for more than two years. She went in October and returned on New Year's morning, was away for some time, and then went back. I last saw her alive on Thursday, 12th September, the Thursday before Dr. Ruxton told us she had gone to Scotland. That was her day out. On her days out she did not go anywhere; she only went about Morecambe a little, and sometimes took her sister with her and sometimes a friend. She always came home. On the last day she came she went out of our house about half-past six and went on the pier. She did not return because there was a long queue at the lights at Morecambe and she was frightened of missing the last bus.

Who washed her underclothing?—I did. The week that she disappeared she did not bring them on the Sunday as she would have done had she been able. I did not wash them on the previous Sunday as she did not bring them home.

Did you ever see her underclothing?—Yes.

Can you tell us when she was last unwell?—I cannot tell the date, but it was some time in August.

You never saw her again after Thursday, 12th September?—No.

Did you ever hear from her again?—No.

Had she ever gone away anywhere without your knowledge or your husband's?—No, she had never gone away, only away at work at Lancaster. She has never missed letting us see her for a week, ever. Once she went to a farm with Dr. Ruxton's children for a fortnight, but we knew about it, and she wrote to us nearly every day.

What was the first time you saw Dr. Ruxton after the last time you saw Mary?—I saw him on the 25th. He called at our house on Sunday, 15th, but I did not see him; he left a message with a visitor, Mr Risby. On the 25th he came to our house about 10 a.m. and came through into the kitchen. He said that he had come to see me about Mary. He said that she had been different lately and did I know that she was pregnant, and I told him she was not, as far as I knew. He said that there had been a laundry boy, and I told him I did not know there had been a boy of any kind at all and that he had better come and see her father. He told me that Mrs. Ruxton and Mary had walked out of the house, and that Mrs. Ruxton was taking her away thinking that she was going to try and get this trouble over. I told him that her father would be in at 5.30 that night

# Evidence for Prosecution.

Mrs Jessie Rogerson

when he came home from work, and he said he would come and see him, which he did. I was not in the room when he came.

When was the next time you had any conversation with Dr. Ruxton?—Mr. Rogerson and I went down on the following Tuesday night, 1st October, to his house at Dalton Square. He invited us in and said that he could not get to know where they were, that they had broken into his safe and taken £30 out of it and that they would be having a good time, and he showed us a letter that he had written to Mrs. Nelson which he read to my husband and which, he said, had been returned through the post. He told us we need not worry and that they would come back when the money was gone. We told him we were going to inform the police and we went across to inform them.

Later on did you have another meeting with him at his house?—I went on the following Saturday afternoon to see if he could tell me Mrs. Curwen's address and he gave it to me. I said that I had heard they had gone away to open a commission agent's office and Mrs. Curwen had been clearing the office out and I thought she might be able to tell me where Mary was. After I had seen her I went back and saw the doctor. He said, "I feel so upset about it all; when Mrs. Curwen goes home at night and all is quiet I look at a picture of my wife that is in the drawing-room. Mary has been working in conjunction with my wife, deceiving me, and sometimes I feel as if I could choke them both." I said that I hoped he would not choke Mary, and he replied, "Oh no, Mrs. Rogerson, I don't mean that. I am frantic. I do not know what I am saying. I feel as if I could gas myself, and would do, only for my poor children." I then went home.

Did you see him again on the Thursday before he was arrested?—He came to my house and just looked in to ask me how I was and said he had been to Scotland. He had the children outside in his car and did not stay many minutes. He asked if we had heard from Mary. He came again the next morning, the Friday. He was speaking to Mr. Rogerson and asked if the police were connecting it with the Moffat case, and if we thought it was the Moffat case. He came about the teeth, Mary's teeth, and asked if we knew or remembered how many she had had out.

Had Mary had any operations?—Yes. She had an operation for appendicitis in 1933 which left a scar which I have seen. She also had an operation on one of her thumbs, I cannot remember which one, the Easter before the appendix operation. It left a mark on her thumb.

Did he mention Mrs. Ruxton with regard to Mrs. Nelson?—In one conversation that I had with him he said that Mrs. Nelson had seen Mrs. Ruxton in Blackpool on the 14th, and she said that Mrs. Ruxton was unhappy and wanting to know if she could

# Buck Ruxton.

Mrs Jessie Rogerson

come to her, and Mrs. Nelson had told her she had better go home, to which she replied that she would go to London.

Do you remember attending a jumble sale at Morecambe in the Memorial Hall?—Yes; I cannot tell you the exact date as we went to one nearly every Saturday during the back end of the year.

Do you recognize that blouse [Exhibit 7 shown]?—Yes; I bought that at the jumble sale. I know it because I put a patch under the arm I took it home, washed it, and gave it to Mary a week or two after, and she took it away with her. This would be before Christmas, 1934. I have never seen her with it on, but it would be amongst her goods at the Ruxtons'.

Did Mary ever wear a ring?—Yes; I am not sure where she got it from, but she got it when she went to Blackpool once. It was not an expensive one and she had it on when she came home.

Can you identify this coat, beret, and nightdress?—Yes; these all belonged to Mary.

During last summer had you many visitors at your house at Morecambe?—Yes, we take in visitors. We can accommodate eight.

Did Mary ever take anything away from the house when she went back after her half-day's holiday?—Yes, she used to ask me for old newspapers because Dr. Ruxton had not many, just to light the fires with. Sometimes she took half a dozen or a dozen away with her.

[Mr. Norman Birkett submitted that as this was new evidence it would be necessary to serve notice of additional evidence on the defendant. Mr. Jackson intimated that he would therefore serve notice now, and the witness withdrew to be recalled later.]

JAMES ROGERSON, examined by Mr. JACKSON—I am the father of Mary Rogerson. Mary was about five feet in height and had had some teeth drawn at different times in her life. She had been vaccinated, and I think there would be four marks on her left arm from this. She had red patches on her right arm by the elbow which were very visible and unsightly when she had her arm bare. I knew that she had had an operation on her thumb, but I have not noticed the operation mark. I also know she had an appendicitis, but I have never seen the scar. She had a bad attack of tonsillitis when she was at the Ruxtons'. I last saw her alive on Thursday, 12th September, when she came to see us on her day off—she never missed coming to see us on her day off.

Has she ever gone away in her life without informing you about it?—Never, not even on her night out. If she only went

# Evidence for Prosecution.

James Rogerson

out in the town she would tell her mother where she was going. She has never been away without communicating with me.

When did you first see Dr. Ruxton after 12th September?—When he came to our house on the evening of the 25th, Wednesday. He had been to see Mrs. Rogerson in the afternoon. He said he had come to see me about Mary, and asked if we allowed her enough spending money or did we keep her short of anything. I said that she had enough spending money for a girl of her age, and in fact everything that she wanted. He asked me if I knew that Mary was pregnant and I said, "No." He said, "Mrs. Anderson was at our house, you see, and she pointed it out to me. She said, 'Look at Mary, she is pregnant.' I looked and I said 'My God, she is, and I as a doctor know she is.'"

He then said, "She could have gone away and had the baby and kept it all quiet, and then she could have come back to work at our house and nobody would have known." I said to him, "That girl must come back whatever her condition." He said she had mentioned a laundry boy and talked about getting married, but she never mentioned the name of the boy or where he came from or anything. I never saw nor heard in my life that she had a boy, and she never mentioned marriage. I told Dr. Ruxton that we would have the boy produced. He then said, "Mrs. Ruxton and Mary will be having a good time. She has £30 or £40 with her and they will be staying at some big hotel and having a good time." I said, "I know one girl who will not be having a good time." I told him that if Mary was not back by Saturday, and this was on the Wednesday, I would report her to the police as a missing girl, and he asked me not to go to the police, that he would bring her back on Sunday.

Do you remember the Saturday before he was arrested?—Yes, he came to see me and said he wanted to know how many teeth Mary had had out and where she had them out at. He did not tell me what he wanted it for, but he was noting down what I said. I told him Mary had some teeth out by, I thought, Mr. Priestley at Lancaster. I told him I did not know how many, but that Mary had told us that the bill was 12s. 6d. He asked me if the police were connecting it with the Moffat crime, that is Mary, and also if I did also, to which I replied, not at all. He was in a great hurry to get out of the house.

JAMES HAROLD JEFFERSON, examined by Mr. MAXWELL FYFE—I am an insurance superintendent and reside at 51 South Road, Morecambe. I have known both Dr. and Mrs. Ruxton for about six years. I have a little boy who is seven years of age; in 1935 he went for a holiday with the Ruxton children to a farm kept by a lady called Mrs. Holme at Seattle, near Cartmel. I was there visiting them twice in June. The first time we all went

# Buck Ruxton.

James H. Jefferson

in Dr. Ruxton's car, and the second time in two cars; each time we found difficulty in getting there and lost our road. On 26th September I was in Howson's hairdressing saloon about nine in the morning and saw Dr. Ruxton there. We both went to the doctor's house in Dalton Square, and he said that he had followed his wife to Edinburgh and that he had suspected his wife of an affair with young Edmondson. He also said that his wife and Mary had gone away and left him, and that Mr. Rogerson had called and threatened to go to the police. He said, "Of course you know the type of man he is; he is a man that would go to the police about anything."

SUSAN HAINES JOHNSON, examined by Mr. JACKSON—On 29th September, 1935, I was staying at Moffat on holiday. I went for a walk along the Edinburgh-Moffat road and came to a bridge known as Gardenholme Linn Bridge. On looking over the bridge I saw lying down in the gully what I thought was part of a human body. I returned to the hotel and informed my brother.

ALFRED CHARLES JOHNSON, examined by Mr. JACKSON—I am a brother of the last witness. When she told me what she had seen, I went to the ravine and about 10 yards from the bridge saw what appeared to be a human arm. I went down to the water's edge and found various parts of a human body wrapped in a newspaper and a sheet. I immediately went straight back and informed the police

THOMAS RENFREW, examined by Mr. MAXWELL FYFE—I am an inspector of the Lanarkshire Constabulary stationed at Hamilton. On 2nd October, 1935, I commenced a search of the Gardenholme Linn at Moffat which I continued on the 3rd and 4th. I found several pieces of flesh in various places, and noticed that the banks of the River Annan, down which I also searched, had the appearance of recent flooding. I found a piece of flesh about four feet above the level of the river. The river was about 20 feet broad at that part. I handed the articles I have spoken of to Inspector Strath.

Cross-examined by Mr. NORMAN BIRKETT—Did you get them and hand them altogether to the inspector?—No, I collected them and they were collected by Inspector Strath each day.

Did you wrap them up in anything or did you hand them exactly as you found them?—I found an earthenware plate in the river and I placed them in that.

Without labelling them or indicating them, just as they were?—Yes.



Bridge over Gardenholme Linn on the Moffat-Edinburgh Road  
Photograph taken from East side of Road facing South





# Evidence for Prosecution.

James Smith

JAMES SMITH, examined by Mr. JACKSON—I am a police-constable of the Dumfriesshire Constabulary stationed at Johnstone Bridge. On 28th October, 1935, I received from Robert Sharp the left foot of a human body. It was wrapped in part of a newspaper, part of a *Daily Herald* of 31st August, 1935.

Cross-examined by Mr. NORMAN BIRKETT—How many miles from Moffat is Johnstone Bridge?—About nine miles south.

Is Johnstone Bridge on the main Carlisle-Edinburgh road?—Yes. It is not necessary to go through Johnstone Bridge; you can turn off on another road to Benwoodie.

I can go by the main road through Johnstone Bridge to Moffat, and then in Moffat I can turn right and come down another way, Benwoodie Bridge, and join the main road again?—Yes.

Was this find you made on 28th October on the main Carlisle road?—Yes.

It was given to you by Sharp 15 days after Dr. Ruxton had been arrested?—Yes.

As you are stationed at Johnstone Bridge you are on that road every day past this place?—Yes.

Would it be right to say that there is an open field on the left-hand side of the road as you drive towards Moffat?—Yes.

Though you cycled there every day you never saw anything?—Of course, what was found was behind a bank about three feet high.

Were you looking for something?—No; Sharp handed it to me.

ROBERT SHARP, examined by Mr. MAXWELL FYFE—I am a road-man employed by the Dumfriesshire County Council. On 28th October, 1935, about three o'clock in the afternoon I was walking along the road from Johnstone Bridge to Lockerbie, both at the side of the road and over the embankment, and I saw on the far side of the embankment, which is about three feet high, a parcel wrapped in newspaper. It was lying between the bank and a stone wall. You could not see it from the road. I opened it and found it contained a left human foot. I informed the police and handed it over to Constable Smith.

Cross-examined by Mr. NORMAN BIRKETT—Did you ever have occasion to go on to this embankment before this day?—No.

What made you go there on the 28th?—I had to go there to clean the drains that run through the embankment.

And there you saw the parcel for the first time. Was the foot exposed at that time, or was the paper still covering it?—Still covering it.

Was that land fairly sodden, and had there been a good deal of rain about that time?—Yes.

Did the parcel bear marks of the heavy and sodden soaking by the rain?—Yes.

# Buck Ruxton.

Robert Sharp

You opened it to see what it was; did you close the paper again?—No, I left it and went for the police.

CHARLES HUNTER, examined by Mr. JACKSON—On 30th September, 1935, on the banking of the Gardenholme Linn Bridge I found a bundle of newspaper. It was underneath a bush and not far from the water. I poked at it with a stick and found flesh in it. There were three or four bundles which the police took possession of later.

GEORGE LAMMIE, examined by Mr. MAXWELL FYFE—I am a farmer at Gardenholme Farm. On 2nd October, 1935, about three in the afternoon I was walking near the manure heap at my farm near the burn that runs down from Gardenholme Bridge about 500 yards above. I looked into the burn and saw a piece of flesh. I took the piece of flesh to the police.

Cross-examined by Mr. NORMAN BIRKETT—Was the weight about half a pound?—About a pound it would be.

The stream that runs down from Gardenholme Bridge is, I understand, a tributary of the River Annan, and is filled with all sorts of obstructions of boulders and waterfalls?—Yes.

Therefore, it would appear probable that the piece of flesh to come from Gardenholme Linn Bridge to the manure heap at your farm would be a very difficult thing to do in that stream?—No, the water was big.

There is another way to get to your farm by road?—Yes.

Supposing someone was coming from Kendal to your farm would they have to leave the main road?—Yes, a mile and a half from Moffat.

The river was in spate?—Yes.

Had the rain been big before 2nd October?—Yes, on 18th and 19th September.

But the river would not be big on 2nd October because of heavy rainfall on the 18th and 19th?—Not on 2nd October.

Did you not have fine weather for four or five days after 17th and 18th September?—Yes.

Re-examined by Mr. JACKSON—There were heavy rains about the 18th or 19th and the water was up?—Yes.

If you have heavy rains is the flow big enough to wash things down?—Yes.

Does the water, when you have had heavy rain, run down quickly and fall again quickly?—Yes.

JEN GWENDOLINE HALLIDAY, examined by Mr. JACKSON—I am a maidservant and reside in Moffat. On 4th November, 1935, I was walking along the Moffat-Edinburgh road on the south side

# Evidence for Prosecution.

Jen G. Halliday

of Gardenholme Linn and I saw a human hand and arm lying on the grass about two or three yards from the main road. There had been a terrible storm the night before, and wind and rain, and I suppose the bracken had been blown away from the side which left the arm quite bare. I told the police, and Constable Fairweather came and took possession of the arm.

Cross-examined by Mr NORMAN BIRKETT—The explanation you have just given us about the storm on 3rd November is because this was a very surprising thing, finding such a thing as a hand and arm?—Yes, it was.

There is a stone wall, is there not, and between that wall and the margin of the main road there is just an ordinary grass bank?—Yes.

In the ordinary way, without some such explanation as you have given, it is an extraordinary thing if that thing had been lying there for weeks and weeks unnoticed?—Yes.

When you found it it was quite exposed?—Yes.

There was, in fact, no bracken there on that grass roadside?—No, there was no bracken. The storm the night before must have blown the bracken away. At that time of year bracken is pretty well dead and would be easily carried away with the wind; it really was a windy night.

Were there not many violent storms during the month of October as well?—Yes.

And it is much more likely that, if what you say is true, it would have happened days if not weeks before?—Yes

Did it look to you so exposed, and was it at that moment as though it had been just placed there?—Yes

Re-examined by Mr. JACKSON—Is this a very lonely place right out in the country?—Yes; except for automobile travelling there are not many people go up there at that time of year.

By Mr. JUSTICE SINGLETON—Is there a ditch or a dyke there?—There is a dyke, on the left side going north.

A dyke and a grass verge?—There is the dyke, and grass goes down to the ditch alongside the road.

Was it on the road side of the ditch or the other?—It was just lying as though someone had placed it with the elbow out, the hand pointing to the road, close to the dyke side.

And is this where there is bracken at the earlier part of the year?—Yes, all along the road there is bracken.

But the bracken was more or less disappearing then by 4th November?—Yes it was, but it really looked, when the constable picked up the hand, as though it had lain there for some time because it was embedded in the grass, but, on the other hand, from the way it was placed it was as though it had been laid there.

It was not wrapped in anything when you saw it?—No.

# Buck Ruxton.

James R. A. Fairweather

JAMES RALPH ARNOLD FAIRWEATHER, examined by Mr. MAXWELL FYFE—I am a constable stationed at Moffat. On 4th November, 1935, I went with Miss Halliday to a spot 700 yards south of the bridge over the Linn and she showed me the right hand and forearm of a human being. It was lying on the left side of the road going north, on the banking at the foot of the stone wall. It was lying palm upwards with the fingers slightly clenched, and there was a piece of newspaper round it. The paper was the *Daily Herald*, dated 2nd September, 1935. I wrapped it in another piece of newspaper and took it to the police station and handed it over to Sergeant Sloan.

Cross-examined by Mr. NORMAN BIRKETT—Is this place on your regular beat?—Yes, I do it twice a week, very seldom more often, and usually cycling.

You never saw anything there before?—No.

It was lying openly underneath the wall for all to see?—At that time it was.

Did it look as though it had been placed there?—No; I took it that the bracken had died and left it exposed to view.

Before this when was the last time you were on that beat?—Inside two or three days previously.

Was bracken there then?—Yes, there was bracken there then.

ROBERT SLOAN, examined by Mr. SHAWCROSS—I am a police-sergeant in the Dumfriesshire Constabulary stationed at Moffat. On 29th September, 1935, I went with Mr. Johnson to Gardenholme Linn Bridge and, on looking over, saw some human remains. I went down to where they were lying. They were about six feet downstream from the base of the bridge. I found four bundles, two heads, a thigh bone, and two arms. The top of the fingers and top of the thumbs were missing, and there were also several pieces of flesh and skin lying loose. I sent for the inspector and helped him to remove the remains to the mortuary at Moffat cemetery.

Was the first bundle wrapped in this blouse\* [produced]?—Yes, that contained two upper arms and four pieces of flesh.

Did you find another bundle wrapped in this pillowslip [produced]?—Yes, that contained two arm bones, two thigh bones, two lower leg bones, and nine pieces of flesh.

Did you find the third bundle wrapped in part of a cotton sheet [produced]?—Yes, that contained 17 pieces of flesh.

And was the fourth bundle also wrapped in a piece of cotton sheet [produced]?—Yes, that contained the chest portion of a human trunk, and the lower portions of two legs, the feet of which were protruding from the sheet as it was bundled up,

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\* See Appendix I for list of exhibits.

# Evidence for Prosecution.

Robert Sloan

tied up with what appeared to be the hem of the cotton sheet. In that sheet there was also some cotton wool [produced].

Among the bundles did you find some newspaper?—Yes.

Is that part of the *Sunday Graphic and News*, dated 15th September, 1935, bearing a serial number 1067 [produced]?—Yes, I found that in the first bundle.

Were there portions of a *Daily Herald* and portions of a *Sunday Chronicle* [produced]?—Yes, they were in the third bundle

Did you continue your search on the next day, 30th September, in company with the inspector?—Yes; we found a left forearm and hand on the embankment about five feet from the edge of the bridge itself. A portion of a *Daily Herald* dated 7th August [produced] was wrapped round it. There was a piece of flesh near the arm wrapped in a *Daily Herald* of 5th August [produced]. A short distance away I found a left thigh amongst some cut branches, unwrapped, and 10 feet farther down the embankment I found a bundle wrapped in a cotton sheet [produced] which I did not take possession of. The other articles that I found were taken possession of by Inspector Strath.

Was one of the heads you found on 29th September wrapped in a child's woollen rompers [produced]?—Yes.

There was also some cotton wool [produced] wrapping the head?—Yes, and a piece of the *Daily Herald*, dated 6th August.

In bundle four were there some pieces of straw [produced] adhering to the trunk?—Yes.

Cross-examined by Mr. NORMAN BIRKETT—At the time you took those bundles to the mortuary you had not observed the particular papers which enclosed particular bundles?—No.

And all the papers which are produced were, in fact, all in the mortuary?—Yes.

Could you be sure which bundles they came from?—Yes; as I took the papers from the bundles I put them between sheets of blotting paper and did my best to keep them in that position.

After you took these remains from the bundles were they all mixed up thereafter?—They were taken from the bundles and as they were being taken out I took a check of them.

But they were taken from the mortuary, at a subsequent date, to Edinburgh?—Yes.

But you unwrapped them in the mortuary?—Well, the doctors and I.

As they were unwrapped from the various bundles they were not kept in separate bundles thereafter?—Not after we had taken the check of what was in the bundles.

Re-examined by Mr. JACKSON—You say you kept a check on those things?—I wrote in my book what the doctors were describing came out of each bundle.

The Court adjourned.

# Buck Ruxton.

Mrs Jessie Rogerson

Sixth Day—Saturday, 7th March, 1936.

Mrs. JESSIE ROGERSON, recalled, further examined by Mr. JACKSON—I understood you to say that you took in summer visitors?—Yes, we could take in up to eight in number.

Were there newspapers coming into your house during the summer?—They used to get all kinds of newspapers, bring them with them, and buy them while they were staying there. On Sunday there would be the *Empire News*, *Sunday Graphic*, and *Sunday Chronicle*, and on weekdays the *Daily Mail*, *Daily Dispatch*, and *Daily Herald*. Mary used to take away with her the clothing I washed for her, and newspapers. She took some the last Sunday she came. She used to take a whole bundle at a time from the cupboard in the kitchen where we put the waste paper

Cross-examined by Mr. NORMAN BIRKETT—When were you first asked what papers, if any, that Mary took from your house?—Some time after the proceedings at Lancaster

You did not take much notice of what papers your visitors took in?—No, I just collected them up as I was clearing the room. Mary took them for lighting the fires.

Do you know what papers she took on Sunday, 8th September?—No; she took as many as she could carry in the paper carrier. There were about six persons staying that week-end. My papers were delivered by Mr. Cook, and the visitors got their own outside Mary had been taking them regularly.

When were you first asked whether Mary wore a ring or not?—A week or two ago, I cannot just say when. I do not remember which hand she wore it on, but I know that she used to wear it and I remember the time when she bought it. It was a cheap gold shell ring.

Did she always wear it?—She had it on every time when I saw her; she bought it about twelve months ago at Blackpool.

Anybody could see it if they were with her every day?—Yes, if she wore it at work.

Mrs AGNES OXLEY, recalled, further cross-examined by Mr. NORMAN BIRKETT—Did you ever see Mary Rogerson wearing a ring?—No.

Did you ever see newspapers in the house?—Yes. I could not tell you what they were, but there were plenty of newspapers. Mary Rogerson had brought them when she had gone home

Mrs. MABEL SMITH, recalled, further cross-examined by Mr. NORMAN BIRKETT—Did you ever see Mary Rogerson wearing a ring?—No.

Did you ever notice what newspapers were in the house?—No.

# Evidence for Prosecution.

Mrs Mabel Smith

Did you ever see Mary Rogerson bring any newspapers your self?—No. I was not there in the evening when she came back after her night out.

HENRY STRATH, examined by Mr MAXWELL FYFE—I am a inspector in the Dumfriesshire Constabulary stationed at Lockerbie. At 4.30 in the afternoon of 29th September I went to the bridge over the Gardenholme Linn and saw Sergeant Sloan down in the stream with portions of bodies. There were four bundles. The first was wrapped in a blouse, the second in a pillowslip, the third in a piece of cotton sheeting, as also was the fourth. [Witness identified wrappings] I was not present when they were opened but in the fourth bundle I saw two legs and two feet protruding this bundle was tied with a piece of a hem of a bed sheet. I also saw a head wrapped in a pair of child's rompers, tied with piece of twine. There were pieces of paper present—the *Daily Herald* of 6th August and the *Sunday Chronicle*, 8th September. The next day I searched the stream and found, about five feet from the bridge, a left forearm and hand wrapped in a *Daily Herald* of 7th August, 1935. About 20 feet from the bridge I found a piece of flesh wrapped in portions of the *Daily Herald* of 5th and 7th August. I saw this bundle opened in the mortuary; it contained a pelvis and pieces of flesh. On 1st October I took the remains to Dr. Gilbert Millar at Edinburgh University, where I also handed over pieces of flesh on 4th October which had been given to me. At the same time I took the various wrappings and contents of the bundles. On a later date I handed over other portions of the bodies that had been given to me to Dr. Millar.

Cross-examined by Mr. NORMAN BIRKETT—You did not see the remains taken out of the bundles?—Only what came out of the bundle containing the pelvis. Sergeant Sloan was instructed to take the remains out.

On 1st October, when you handed over the remains to Dr. Millar, had Dr. Millar and Professor Glaister been at the mortuary at Moffat with you?—Yes.

When they were at the mortuary were all the bundles empty and all the remains together?—Yes; it would not be possible then to say from what parcel the various remains came. They were all lying on the table.

How were the remains taken to Edinburgh?—They were put into separate boxes, one lot into one box and another lot into another, under the instruction of Professor Glaister. They were all put into two boxes, and everything so packed had come from the ravine, except the newspapers, &c., which were taken up on 4th October. In the mortuary a preliminary examination was made by Dr. Huskie and Dr. Pringle, two local doctors. The other remains

# Buck Ruxton.

Henry Strath

that I received were sent up on the 4th and were packed in the same box, but wrapped separately.

You made a thorough search on the 29th and 30th?—Yes, I was assisted by other officers.

Did you find any other newspapers or refuse that had been thrown over the bridge?—No.

Was there any evidence of rats or rat holes?—No, we looked for them, but there were none.

EDWIN VAUGHAN MORRIS, examined by Mr. MAXWELL FYFE—I am circulation manager of the *Sunday Graphic and News* newspaper. This newspaper shown to me is a copy of a special "slip" edition of the *Sunday Graphic* of 15th September, 1935, of which 3700 copies were printed. They were circulated in Morecambe, Lancaster, and immediate vicinity, and they contain photographs of the crowning of Morecambe's Carnival Queen. Mr. Merrett, wholesale newsagent at Lancaster, was supplied with copies of this issue.

Cross-examined by Mr. NORMAN BIRKETT—What are the districts which were circulated?—Morecambe, Lancaster, Hornby, Wennington, Halton, Bentham, Ingleton, Kirkby Lonsdale, Clapham, Bay Horse, Galgate, Windermere, Staveley, Arnside, Carnforth, and Bolton-le-Sands

Was Kendal not included?—No.

If a *Sunday Graphic* is not sold the newsagent keeps it a considerable time before he returns it?—They are allowed a three months' limit. It was a souvenir copy, and I cannot tell whether all the 3700 were sold.

ALBERT MERRETT, examined by Mr. MAXWELL FYFE—I am a wholesale newsagent in George Street, Lancaster. On 15th September I received 728 copies of the *Sunday Graphic and News*, and supplied Mr. Capstick, one of my customers, with 24 copies.

GEORGE BARBER CAPSTICK, examined by Mr. JACKSON—I carry on a business as newsagent and tobacconist in Lancaster. Dr. Ruxton was one of my customers, and I supplied him every Sunday with a copy of the *Sunday Graphic*. On 15th September, 1935, a copy of the *Sunday Graphic* was sent round to his house by an errand boy called Partridge.

SAMUEL FAWCETT, examined by Mr. MAXWELL FYFE—I am a dental surgeon and have attended Mary Rogerson professionally. On 13th December, 1932, I extracted four teeth, namely, a right lower first molar, a left upper first molar, a right upper first premolar or bicuspid, and a right upper first molar. That is the last time I attended her.



# Evidence for Prosecution.

Samuel Fawcett

Cross-examined by Mr. NORMAN BIRKETT—Has Dr. Ruxton assisted you as an anæsthetist at extractions?—Yes, fairly frequently.

Did you ever see Dr. Ruxton wearing a white overall at these extractions?—Not to my recollection. Usually he assisted at my surgery, and, occasionally, at the patient's home.

In a number of these operations of extraction a good deal of blood would come from the patient's mouth?—Yes

Was your white overall frequently splashed with blood?—Yes.

Was it part of Dr. Ruxton's duty to see that the gag was kept in position so that the teeth did not fall down the throat?—He would frequently steady the head for me

Do you remember Dr. Ruxton on those occasions wearing a blue suit?—No, I cannot recollect that.

Can you tell us whether any blood spilled on to his suit?—No, I cannot recollect any occasion, although it is probable that it did.

JAMES PRIESTLEY, examined by Mr. MAXWELL FYFE—Until last June I was practising as a dentist at Dalton Square, Lancaster, and have attended Mary Rogerson professionally. The last time I attended her was about twelve months last May as near as I can recollect. I extracted two teeth for her under a general anæsthetic, but I do not remember which ones they were. As I have given up my practice I have no records.

JOHN THISTLETHWAITE, examined by Mr. JACKSON—I am a dental surgeon in Lancaster and have attended Isabella Ruxton professionally. The first occasion was in October, 1933, when I fitted her with a denture of three teeth, the left upper lateral incisor, the canine and the first pre-molar. The denture was secured by means of a clasp made of gold-cased wire and fastening on to the teeth adjacent. I also attended her on 6th February, 1934, and extracted the right lower canine tooth.

Cross-examined by Mr. NORMAN BIRKETT—You are quite sure that the denture supplied three teeth and not four?—Yes, I am going by my records.

Has Dr. Ruxton assisted you in any operations on other patients as anæsthetist?—Quite frequently.

Did you ever see him wearing a white overall?—Not to my recollection.

Did the operations ever take place at the doctor's surgery?—No.

Did you notice at any of these operations what suit he was wearing?—If I can remember it would be a grey one.

Did you ever see him wearing a blue suit at these operations?—No, I cannot remember.

In some of these operations a very considerable amount of blood

# Buck Ruxton.

John Thistlethwaite

comes from the patient's mouth, and in some cases they spit blood?—Yes.

I expect you get a good deal of blood on your overall at times, and if you are not wearing one, then on your suit?—Yes.

Do you know when the last time was that Dr. Ruxton assisted you at a dental operation?—I think it would be about last March, 1935.

ENOCH EDGE, examined by Mr MAXWELL FYFE—I am a chiropodist. I saw Mrs. Ruxton by appointment on 29th May, 1935, She was suffering from a rather inflamed bunion joint, acute bursitis. There was some sepsis on the great toe joint of the left foot. By our fitting she measured about size seven, which means that she would wear a wide size six in shoe size. All her toes except the big one were bent up or humped.

Cross-examined by Mr. NORMAN BIRKETT—Would the bursitis you speak of subside in a day or two after proper treatment?—Not that one. The bursitis would subside eventually, but not the toe joint. The inflammation would subside.

She did not visit you again?—No, because I told her to go to a doctor.

When you speak of size seven and size six you are speaking of stock sizes?—Yes.

You measure from heel to the ball of the joint?—Yes, we measure somewhat differently

You then calculate and say it would want a size seven stock size shoe?—Yes.

Re-examined by Mr. JACKSON—Even if the inflammation of the bursitis goes down is there any evidence left of swelling in the joint?—Yes.

Does that go on for a long or a short time?—It is very seldom a bunion can be absolutely eradicated, except by a surgical operation.

CLARA MAUREEN GROSSE, examined by Mr. MAXWELL FYFE—I am employed as a hairdresser at Cheapside, Lancaster. Mrs. Ruxton was one of our customers. I attended to her hair, and she came either once, twice, or three times a week. On 14th September she came at 10.15 a.m., and that is the last time she was in the shop. I have attended to her hair for about two and a half years. Her hair was mid-brown in colour, and at first she had it long and done in a bun at the back of her neck. About 18 months ago she changed her style and had it in a long bob with just curls at the bottom. Her hair was very soft, and on the top slightly to the right there was a grey patch. She had a high forehead, a long jaw and high cheek bones, and her eyes were deep set and grey-blue in colour.

# Evidence for Prosecution.

Doris Squires

DORIS SQUIRES, examined by Mr. MAXWELL FYFE—I am employed as an apprentice hairdresser at the same address as the previous witness. I have attended to Mrs. Ruxton's nails very often. They were very bevelled, growing tight at the corners and broke easily. She had long fingers, and the skin of her hand was soft and smooth.

FRED WILKINSON BARWICK, examined by Mr. JACKSON—I am a director of the testing house and laboratory of the Manchester Chamber of Commerce and have held that position for over 20 years. On 1st November, 1935, I received four pieces of sheet, two pieces of hem, and a bed sheet. I have compared the portions of the soiled sheet and the strips of hem with the bed sheet produced, and find that in composition, weave, weight, thread per inch, counts of component yarns, direction of twist on yarn, turns per inch in yarn, and the class of cotton there are no differences. I took measurements of length and diameter of the cotton hairs and the hair weight per centimetre and found no difference. The whole sheet had its selvages intact on both sides, and of the portions of sheeting some had the selvedge edge and others had not, the selvedge edge was present on the portions of the hem. The two pieces of hem formed a hem similar to that on the sheet and were as nearly similar as one could measure and were of approximately the same width. The width, number, and type of stitches of the hems corresponded, and the sewing threads in the hem and the sheet were identical. I have applied every test that could be put in a testing house in comparing the portions of sheet and hem with the bed sheet and cannot find any difference.

Cross-examined by Mr. NORMAN BIRKETT—Where was the sheet made?—I cannot possibly tell. It is made by a great many manufacturers both in this city and elsewhere, and is sold in very great numbers. It is an ordinary quality of cotton sheet and I cannot fix the retail price.

The composition would be common to scores of manufacturers throughout this district?—Yes, there are many making up a sheet like that.

That also applies to the stitch in the hem and to the selvedge?—The selvedge is the strengthening portion running down the length of the sheet, and in order to make the sheet stronger the threads are woven in a different order. In this particular sheet there are 26 threads working in pairs at the extreme edge, and that, apparently, is the normal selvedge which the manufacturer intended to use, but only one selvedge is like that. Ordinarily they would be both alike, but in this sheet the other selvedge has three threads missing. Instead of having 26 double threads or 13 pairs of threads it has 23 threads, 22 working in pairs, and one odd one. That is

# Buck Ruxton.

Fred W. Barwick

a rather unusual feature, and the same feature was traced in the selvages on the portions of sheeting. It was an accidental happening in the manufacture of the sheet that they should be different

This would apply not merely to one sheet, but to the output of the factory?—No, the output of one loom. It would be one particular warp which would be made with these three selvedge ends missing; the next time a warp was put into the loom the fault would probably be remedied. A fault like this would not be noticeable except under a microscope.

Mrs. EDITH EDNA MAUDE HOLME, examined by Mr. MAXWELL FYFE—I live at The Cottage, Seattle, Grange-over-Sands, and during the summer I let rooms to visitors. I first saw Dr. Ruxton on 5th June, 1935, when he came to my house with a party of friends. He came on the 8th with his wife, two children, and the maid, and the children and the maid stayed with me for a fortnight. Dr. and Mrs. Ruxton visited them usually on Wednesdays, and sometimes on Saturdays and Sundays. Altogether I saw Dr. Ruxton about seven or eight times; he always came by car. This pair of rompers [produced] were mine. I got them for my little boy from a Mrs. Perry, and gave them to Mary Rogerson. I recognize them in every way, and especially by the knot which I made when I put the elastic in, the old elastic being worn.

Cross-examined by Mr. NORMAN BIRKETT—Do you yourself go by car to your home at Seattle?—No, I always travel by bus. I go along the road from Levens Bridge and up Lindale Hill, and turn at Higher Newton, although it is a bit difficult to find Seattle going that way.

Do you not go towards Cartmel if you turn off at Higher Newton?—You turn off the main road. It is on the way to Newby Bridge on the main road from Lindale.

Going back from Seattle you can get on the main road and go right into Kendal, but instead of going back to Levens and up to Kendal you can go round to Kendal and come back that way?—By Windermere, but you have to go almost to Newby Bridge.

In tying this knot you merely tie the two ends together?—The two ends are put together and tied, and then two separate knots are tied and separated. It is the way I have always done it, unless there is not a long enough end to do it with.

By Mr. JUSTICE SINGLETON—How far are you from Newby Bridge?—You can walk it easily in three-quarters of an hour. It will not be more than three miles.

MARGARET FARRER, examined by Mr. JACKSON—In July, 1933, I was on holiday at Morecambe and took two photographs of Mary

# Evidence for Prosecution.

Margaret Farrer

Rogerson. These are the photographs [produced] that I took. My sister developed them and I gave them to Mary Rogerson.

THOMAS RILEY, examined by Mr. MAXWELL FYFE—I am a works foreman employed by the Lancaster Corporation. On Monday, 14th October, I opened all the drains and connexions to gullies situate in the yard at the rear of 2 Dalton Square, and took samples of the debris from the drains situate at the bottom of the yard from the steps leading from the back door of the house to the door of the yard into Friar's Passage. I also took samples from the gulley near the step at the back door, and from the second trap at the back door, which is about six yards away from the first gulley near the steps; it takes the roof water from the back of the roof and other purposes. These are the only three drains in the backyard. Sergeant Carter was present, and I handed the debris the next day to Detective-Sergeant Stainton. On 15th October I removed the waste pipe from the bath, which I also handed over.

Cross-examined by Mr. NORMAN BIRKETT—In each case did you take a sample in the ordinary way or scrape the side at all?—I took out the liquid first and emptied the debris that remained, the solids.

Did you take all the solid that was left?—Practically; I had to do a little scraping of the gulley.

JOHN WAITES, recalled, further cross-examined by Mr. NORMAN BIRKETT—Do you now find from your records that on the morning of 16th September, Monday, the Hillman Minx car was delivered from your garage to 2 Dalton Square?—I find the car was delivered on Monday, but I cannot say at what time.

When Mr. Longton was here before he had no memory of having delivered the car at all. Your record indicates that he did deliver it that day at some time or other?—Yes.

Can you say whether the car was delivered that morning in response to a telephone message?—No, I cannot say.

Re-examined by Mr. JACKSON—Is there anything on your record to indicate that the car was delivered?—No.

Is there anything to indicate at all at what period of that day it was delivered?—Nothing at all.

FRANK EASON, examined by Mr. JACKSON—I am a painter and decorator. About May, 1935, I painted a portion of Dr. Ruxton's house in Dalton Square which took me four or five days. I did some further decorating later on, and finished ultimately in the beginning of September. I never received any instructions to do the staircase, but when I called for payment at the end of

# Buck Ruxton.

Frank Eason

my work in September the doctor asked if I would give him a price and date for decorating the staircase, which I sent by post. I commenced work on 2nd October and finished on the 6th. I saw the doctor on the day before he was arrested, and he asked me if I remembered working for him in the early part of May. I said I did, and he asked me if I remembered him mentioning about decorating the staircase. I said, "No, you said interior decorating," and he said, "Not the staircase," and then went on to say, "Do not you see they are saying I have got you to decorate my staircase to cover up the bloodstains, as I have done a murder?"

Cross-examined by Mr. NORMAN BIRKETT—Do you know whether or not he had been interviewed by the police on that day?—No, I do not know.

When you went to work on the staircase on 2nd October did you find all the walls pretty well prepared for you to work on?—On the top landing down to the first flight of stairs.

When you did the work in May was it at the back of the house?—No.

Was that in August?—Yes.

Did you scrape the walls in the yard in August and put the debris in a pile in the yard?—Yes, to clear away; the boy did that, but I would not say that he might not have missed some of it.

GEORGE AITKEN, examined by Mr. MAXWELL FYFE—I stay about three-quarters of a mile as the crow flies from Gardenholme Linn. I keep a rain gauge, and I have the readings for the whole of last year including last September. On 13th September the reading was .61 inch; on the 14th, .19; on the 15th, .28; the 16th, .43; the 17th, .28; the 18th, 1.43; the 19th, .34; and the next four days there was no rainfall. On the 26th it was .48; on the 29th, .68; and on 30th, .29. The heaviest rain at Moffat fell on the 18th.

Cross-examined by Mr. NORMAN BIRKETT—Do your records indicate that between the Sunday night, the 15th, and the Monday morning, the 16th, there must have been pretty heavy rain to make the increase you have recorded?—Yes.

Some of that may have fallen by night?—Yes.

So that probably the night of Sunday and the early morning of the Monday were wet?—Yes.

In the early part of October was there pretty heavy rain in Moffat?—Yes, fairly heavy. On the 2nd it was .42, on the 7th, .78; on the 10th, .68; and on the 18th, .71.

GEORGE ERNEST WALKER, examined by Mr. JACKSON—I am an

# Evidence for Prosecution.

George E. Walker

inspector in the Lancaster Borough Police Force. On 10th October, 1935, I went to the house of Mrs. Hampshire. She handed me certain carpets and four felt stair pads, and on the next day a stair pad that was stained through. The stain goes through on both sides. She also gave me a coat and a pair of trousers. I handed all the articles to Detective-Sergeant Stainton.

WILLIAM LAMB CARTER, examined by Mr. JACKSON—I am a police-sergeant in the Lancaster Borough Police Force. On Monday, 14th October, 1935, I went into the cellar at 2 Dalton Square and found a Bournville cocoa tin with a fingerprint impression on it. On the next day I took possession of a brown motor coat which I found hanging behind the door in the doctor's bedroom. There I also found a tiara which was in a small cardboard box. I found a brown coat with a fur collar in Mrs. Ruxton's bedroom. On 28th October I removed the stair rod eyes, and this one, Exhibit 163, I took from the eighth stair on the right-hand side coming down from the sub-upper landing, the flight next the top flight. I handed over all that I took exactly as I found them.

FRANK PEARSON, examined by Mr. JACKSON—I am a police-constable in the Lancaster Borough Police Force. On 15th October I saw Mrs. Curwen, the charwoman, at her house. She handed over to me a number of articles which I took to the police station and gave to Detective-Sergeant Stainton.

JOHN WINSTANLEY, examined by Mr. MAXWELL FYFE—I am a detective-constable in the Lancaster Borough Police Force. On 2nd October, 1935, Mrs. Rogerson called at the police station and two days later Dr. Ruxton called at about 4 p.m. He said that his wife had gone away on Sunday, 15th September, 1935, to Edinburgh, and that she had taken the maid with her. He then said, referring to Mrs. Ruxton, "She can't have any love for the children. Not even a post-card to Elizabeth." He produced from his jacket pocket a number of letters, mainly bills, which he stated he had received on Mrs. Ruxton's account since she had gone away. He also produced a letter which he said he had sent to his wife in Edinburgh, and that it had been returned to him unopened. He read extracts from the letter and then returned it to his pocket saying, "I would take her back even now." He said that his practice might suffer in consequence of his name being connected with Mrs. Smalley, and that he did not even know the woman. He mentioned that his wife had previously taken a trip in his motor car to Edinburgh. He then produced a bunch of keys from his trouser pocket, put them on the office table, and said, "Go and search the house; I will stop here." He was very agitated and I tried to calm him, but

# Buck Ruxton.

John Winstanley

without much success. I told him to put the keys back in his pocket, which he did. He referred to some letters addressed to Mr. Edmondson, jun., and suggested that Mr. Edmondson knew where his wife was. He also suggested that letters addressed to Mr. Edmondson might be intercepted to see if there was any reference to Mrs. Ruxton. I told him we had no authority to do such a thing. He said that his telephone bills had been excessive, and he had asked the postal authorities to keep a record of the calls from his house, and that these authorities had informed him that silly love talk had been overheard on the telephone and that repeated calls were being made to the Town Hall. He got rather excited, and banging his fist on the table, said, referring to Mr. Edmondson, "The blighter, I could murder him." He referred to a time when he had to look for a pair of trousers which he kept under a mattress and found two photographs, one of Mrs. Ruxton and one of Mr. Edmondson, face to face. He tore these up in the presence of his wife and insisted that all relations between Mr. Edmondson and herself should cease.

Did you see Mrs. Rogerson again on 9th October?—I did, at half-past three in the afternoon. In consequence of her call I communicated a description of Mary Rogerson to the Lancashire county police office for circulation; it was circulated about 5 p.m. that day.

Did you see Dr. Ruxton the next night, 10th October, at 10 p.m.?—I saw him at the borough police station. As he came in at the door he said, "Winstanley, all this damned nonsense is ruining my practice. Can nothing be done to stop this talk?" He said that he actually thought that his name was being connected with the finding of human remains at Moffat, and I told him we had no authority over the press, and that although we were making inquiries we had no authority to make a statement. Detective-Sergeant Stainton came into the office and Dr. Ruxton repeated part of the conversation we had had on the previous Friday night. I asked him if he would give me a description of Mrs. Ruxton in order that we might circulate her as missing from home, and this he gave me which I took down in writing, read over to him, and which he signed. The description was

Buck Ruxton says: I am a medical practitioner and I reside at 2 Dalton Square, Lancaster. The following is a description of my wife: Name, Isabella Ruxton, 35 years, about 5 ft. 5 ins. or 5 ft. 6 ins. Well built, fair hair, bridge of nose uneven. Three false teeth left upper jaw, gold clip shows when smiling. Fair complexion. Dressed in cream silk blouse, light-brown small check coat and skirt, suede shoes dark brown colour, and had a V-shaped ring on forefinger of left hand. Speaks with strong Scots accent. I would like discreet inquiries made by the police with a view to finding my wife. She left home on Sunday the 15th of September, 1935, and I have not seen her since. Signed, "B. Ruxton."



# Evidence for Prosecution.

John Winstanley

I went to his house and he handed over to me a photograph of his wife. On 12th October I went at midday to see Mrs. Curwen and she handed over to me a piece of carpet, and about 5 p.m. took possession of two petrol tins from a recess in the backyard of Dr. Ruxton's house.

THOMAS DODGSON CLARK, examined by Mr. JACKSON—I am an inspector in the Lancaster Borough Police Force. On 10th October 1935, at 3.50 a.m. I visited the Castle Railway Station at Lancaster and saw Dr. Ruxton come off a train from the north. I spoke to him and he replied that he had been to Edinburgh to try to find his wife. I asked him if he had been successful, but he said that he had not, that he had seen her sister, but she knew nothing of her whereabouts. I told him that I had a car outside and I would drive him home. On the way back he said, "Inspector Edmondson knows where my wife and maid are. I will tell you something. A few weeks ago my wife asked me for a loan of my car. I allowed her to take it. I became suspicious. I hired a car unknown to my wife." He said that Edmondson's car came up later and that he had followed the two cars in his hired one. He never mentioned that either Mr. Edmondson, senior, Mrs. Edmondson, or Miss Edmondson had been with them. He said that his wife had told him that she was going to see her sister, but instead of doing so she, along with Edmondson, stayed at the Adelphi Hotel, and he himself stayed at an adjoining hotel. The next morning he visited the Adelphi Hotel and found that his wife and Edmondson had been staying there at the hotel in the names of Mr. and Mrs. Ruxton. I asked him how long he had kept the hired car, and he said not very long but that he had had an accident at Kendal and had been stopped by the police at Milnthorpe. I asked him if he had been up north and he replied, No, he had been to Seattle, and went by way of Grange, and he used the expressior "I think what they call Lindale Hill, and back via Kendal." When he got out of the car he said, "You inquire of Mr. Edmondson at the Town Hall, and he will be able to tell you where my wife and maid are."

Cross-examined by Mr. NORMAN BIRKETT—Did you expect to meet the doctor at that early hour of 4 a.m. when you went to the station?—I had an idea that he might be there. It is the practice for an officer to meet all trains in and out of Lancaster during the night time at that particular station.

Had you had a message from the Edinburgh police that he had left on the midnight train?—I had heard from the police, but I did not know definitely.

When you gave him a lift in your car you did not take anything down in writing?—No.

# Buck Ruxton.

Thomas D. Clark

It was not suggested that the hired car he told you about was the car in which he had had an accident at Kendal?—No.

The visit to the Adelphi Hotel was on 6th September and the accident in Kendal much later?—Yes.

WILLIAM GREEN, examined by Mr. MAXWELL FYFE—I am a detective-inspector in the Lancashire County Police Force. On 11th October I was making inquiries about Mary Jane Rogerson and called at the Lancaster borough police office where I saw the prisoner. I told him that I was making inquiries and that I had seen her parents, and asked him how he knew that she was pregnant. He said, "I have not examined her, but it does not require a doctor's examination to tell when a girl is pregnant. One day we had some friends for tea and she was passing me to serve at the other side of the table, and she was holding herself in such a position"—the doctor here illustrated the position—"that it suddenly flashed through my mind there is something wrong with that girl. I looked again and noticed that her face was pinched, but, of course, a woman can conceal her condition until she is six or eight months pregnant. I just noticed a slight swelling. I should say she was two or three months pregnant." I asked him what time his wife and maid had left his house on the 15th September, and he said, "Well I will tell you. My wife was always changing her mind. We had all arranged to go away for the day and I got up early for that purpose, when my wife changed her mind and said she was going to Edinburgh and taking Mary with her. I was not surprised at this, as she was always changing her mind. About 9.15 a.m. that morning I was in the bathroom when she tapped at the door and said, 'I am going, dear.' I replied 'All right,' or something like that—I am not sure of the exact words." I asked him what luggage they had taken and how they had gone to Edinburgh, and he said that he did not know as he had not seen them go. About 9.30 that night I was at the police station when the prisoner came to see Chief Constable Vann. When he came in he took Mr. Vann's hand and said, "My dear Vann, can't you stop all this trouble? It is ruining my business. Look, man; I did not want to show you this; I have kept it back." He pulled a number of papers out of his pocket, one of which included a loan for £800. He then held up a *Daily Express* and said, "This paper shows the woman at Moffat had a full set of teeth in the lower jaw, and I know Mary Rogerson had at least four missing. Can't you publish it in the Press that there is no connexion between the two, and stop all this trouble?" He was waving his hands about in a very excited condition. The chief constable said that he would do that immediately he was satisfied that there was no connexion between the two.

In the early morning of the 12th I called at Mrs. Oxley's house

# Evidence for Prosecution.

William Green

and received some carpets from her which I handed to Detective Sergeant Stainton. On 16th October I called at 2 Dalton Square and found an attaché case inside a locked bookcase in the library. I also found the diaries, which are exhibits, a snapshot of Mrs Ruxton, some diaries of past years, 1919 to 1927, and on 24th October I found in the top front bedroom nearest to the cinema the bed sheet, Exhibit 132. I found the sheet on the double bed in Mrs. Ruxton's bedroom; there were no other sheets on the bed in that room, and it was used as a lower one. On 26th October I drove Dr. Ruxton's Hillman Minx, number ATC272, from Lancaster to Gardenholme Linn and took 2½ hours from Dalton Square which I left at 8 a.m. I went via Kendal, Shap, Penrith, Carlisle, Lockerbie, and Moffat and measured 110 miles on the speedometer of the car. On 27th October I went on the same route leaving at 11.30 at night from Dalton Square, and arrived at Gardenholme Linn after three hours ten minutes, and leaving the last place at 2.50 I got back in 3¼ hours, reaching Lancaster at 6.5 a.m. I was accompanied by Detective-Lieutenant Ewing on each occasion. In company with the latter I took possession on 28th October of a sofa arm from Mrs. Ruxton's bedroom, and, at the same time, found a pair of shoes in a cupboard in the kitchen.

Cross-examined by Mr. NORMAN BIRKETT—On the evening of 11th October, when the doctor stamped on the chair, would it be right to say that he was somewhat beside himself?—He was in a great rage. He spoke very fast but was quite clearly followed.

When you went in the Hillman Minx to Gardenholme Linn did you drive yourself each time?—Yes.

What kind of speed did you do?—The best speed we did was just over 60 m.p.h. It was a clear road and there were not many 30 m.p.h. limits.

You did not dawdle? You were doing a special test?—Yes.

To see what time it really could be done in if you were anxious to get there?—Yes.

If you were driving there normally it would take very much longer?—Not very much; I should think it would take 3½ hours.

Was the road up anywhere?—No. We came across slight fog and mist, though, going over Shap. It could be done in less time than we took. It was a good car, almost brand new. The road is very good.

WALTER STAINTON, examined by Mr. JACKSON—I am a detective sergeant in the Lancaster Borough Police Force. On 6th April 1934, Mrs. Ruxton came to the police station and made a statement whereupon I went and looked for Dr. Ruxton. I found him driving his car and asked him to come to the police station. When he came into the station and saw his wife he flew into a violent passion and

# Buck Ruxton.

Walter Stainton

said, "My wife has been unfaithful. I would be justified in murdering her." I tried to pacify him and told him he should give the man a good hiding. On 25th May, 1935, in answer to a telephone message, I went to 2 Dalton Square where I found police-constable Wilson along with Dr and Mrs. Ruxton. The doctor was very excited and said, "Sergeant, I feel like murdering two persons in Dalton Square. My wife is going out to meet a man" I said, "Is that man Edmondson?" and he replied "So you know?" I quietened him and then left

Did he come to the detective office on 11th October?—Yes. He was holding a copy of the *Daily Express* and said, "Look at this, ruining my business. Why do they not accuse me of the Moffat murder? Someone will be putting a dead baby on my doorstep and I will be accused of killing it. My patients keep looking at my hand." I asked him how he had cut his hand. He said, "On the Sunday that my wife and maid went away I went downstairs to get a tin of fruit and the tin opener. I took them upstairs and placed the tin of fruit on the commode. I then inserted the opener and hit it with the sofa arm. The opener slipped and gashed my fingers. Look, the little finger is dead." He stuck a pin in it to show me. He then went on, "I went to the bathroom and held my fingers under the cold-water tap. I then came downstairs." He said he went to the surgery and got a surgery towel which he wrapped round his fingers. I asked him if he had seen a Mrs Hampshire, and he said that he had asked her to come to his house to attend to any callers as his servants did not live in the house. He said that his servants were Mrs. Oxley, Mrs. Curwen and Mrs. Smith. I asked him if he had given any carpets away and he said that the carpets on the stairs and landings were so worn that he gave the servants the privilege of taking them. At 9.30 p.m. on 12th October I was present when the prisoner made a statement to the chief constable, which was taken down, initialed on each page, and signed. He made corrections in ink and I witnessed his signature. I received a blue coat and trousers, some pieces of carpets, stair pads, and handed them to Professor Glaister. On 13th October in Mary Rogerson's bedroom I found a blue beret, a green beret, a nightdress, a blue coat, and, on the next day, two pairs of shoes. I also found a revolver in an attaché case in Mrs. Ruxton's bedroom. On 15th October I took possession of a number of articles from different portions of the house which I handed over to Professor Glaister at Glasgow University.

Cross-examined by Mr. NORMAN BIRKETT—These exhibits that you took possession of were handed over to Professor Glaister on the 21st?—Yes.

It was a very considerable work; did Professor Glaister, when he

# Evidence for Prosecution.

Walter Stainton

was in the house on the 14th, indicate that he wanted the solid matter from the foot and side of the bath?—Yes.

During that interview on 25th May when the doctor mentioned that he felt like murdering two persons in Dalton Square, he was, in fact, accusing his wife in your presence of infidelity?—Yes.

Did she say that the man referred to would kill him, Dr. Ruxton?—She mentioned “He may kill you,” just like that.

Is this not the way the matter arose, and then he said, “Well, if he does, I will kill him, and that will be two murders”?—He told me first when I went in that there would be two, and that is how it ended up.

You mean that he had said something about murdering two persons before this discussion took place?—Yes.

He was terribly excited that day?—Yes.

And Mrs. Ruxton was also excited?—No, she was very quiet. She dare not speak.

But she managed to say, “He may kill you”?—Yes, she did say that I asked her if she would like to leave, but she decided to stay on.

What you did was to try and pacify him, he was behaving so very strangely?—Yes, he was like a man insane I talked to him and he was laughing when I went out.

He was talking about taking out a summons?—He said he would go to Court on Monday.

On 12th October you were present when he made a statement to Chief Constable Vann. That statement began at 9 30; when did it finish?—About 4 a.m.

Quite shortly after that he was arrested?—Yes. He read the statement; it took him about an hour and ten minutes. He had been cautioned.

At the conclusion he was asked a large number of questions by Chief Constable Vann?—Yes, he was again cautioned and then asked the questions. It took about three-quarters of an hour.

After the first question did you not call the chief constable's attention to the fact that he had not been cautioned?—No, I did not.

I suggest that he was never cautioned before the first statement, but that he was cautioned after the first question was put to him after that statement had been made?—I do not agree. The chief constable cautioned him.

How many officers were in the room when he made the statement?—I think there were six.

Did there not come a time when the doctor said that he was very tired and must go home?—No.

Were you there the whole time?—No, I was out every five minutes or so. I was out for a matter of seconds taking portions of the statement which were being typed.

# Buck Ruxton.

Walter Stainton

But he never said in your presence that he wanted to go home and go to bed as he was rather tired?—No.

And he was not under arrest at that time?—No.

He took about an hour to read his statement, and then he was questioned for about three-quarters of an hour—that would be about five o'clock?—Yes.

That means that from 9.30 the previous evening until somewhere about 6 o'clock the next morning he was answering questions and being questioned?—He made a statement and then he answered those questions.

A very great ordeal?—I should not say so; he is a very active man, is the doctor.

Re-examined by Mr. JACKSON—That day that he talked about murdering two persons in Dalton Square, who was the first person that day to mention murder?—The doctor.

You have told us that Mrs. Ruxton was quiet. What seemed to be keeping her from speaking?—She seemed more cowed. The doctor was doing all the talking.

With regard to that statement, why did it take such a long time?—Because he had so much to tell us and it had to be taken down and typewritten

The Court adjourned.

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## Seventh Day—Monday, 9th March, 1936.

NORMAN MACKENZIE, examined by Mr. MAXWELL FYFE—I am a detective-constable in the Edinburgh City Police Force. On 4th October, 1935, I took fingerprints of the left hand of what was pointed out to me as Body No 1. This was done at the forensic medicine department of the University. On 15th October I took palmar impressions of the same hand of the same body.

Cross-examined by Mr. NORMAN BIRKETT—Had you to make any preparation of the hand in order to get the prints?—Yes, slightly. We soaked it in hot water.

HENRY JAMES VANN, examined by Mr. JACKSON—I am the chief constable of the Lancaster Borough Police Force. On 11th October, 1935, Dr. Ruxton came to the detective office in the early afternoon and gave me authority to publish his wife's photograph. Later that night he came into the office with a newspaper and said, "My dear Vann, can't you do something about these newspaper reports?" He pointed to a report in the *Daily Express* where there was a

# Evidence for Prosecution.

Henry J. Vann

reference to the teeth of one of the bodies found in the ravine and said, "Look at this. This newspaper says that this woman has a full set of teeth in the lower jaw, and I know, of my own knowledge, that Mary Rogerson has at least four teeth missing in this jaw." He had been previously calm, but now became excited. He waved his arms about and said, "This publicity is ruining my practice; particularly at a time when I am negotiating for a loan on my practice." He then produced a letter from his pocket, and said, "I did not want to show you this, but here it is. Read it and you will see." I was unable to read it, although I saw the heading, and I know the name of the firm from whom the letter was sent. He then sat on the table with his feet on the chair, and banged on the back of the chair in a very violent manner. He ran his fingers through his hair, and his conduct was very extraordinary. He went on to say, "This damned Bobbie Edmonds is ruining my home. One day I tapped a telephone conversation when she spoke to this man. The conversation was in lovers' terms. I have seen the telephone people, and the calls are all 990-990. Have you any authority to intercept letters in the post?" I told him I had not, and asked him not to get excited. The tears ran down his face, and he appeared very distressed. He then said "Can't you publish it in the papers that there is no connexion between the two"—meaning the bodies found at Moffat and Mrs Ruxton and the maid—"and stop all this trouble?" I said I would do that when I was satisfied that there was no connexion between the two.

On 12th October did the prisoner speak to you on the telephone?—Yes, at seven o'clock in the evening. He said that he was very pleased with what had appeared in the Press, and that it was just what he desired. I had issued a statement to the Press. On the same day, at 9.30 in the evening, he came to my office at my request. There were a number of police officers from England and Scotland present. I told him that I thought that he could possibly give some useful help in finding his wife and maid. In addition, I proposed to ask him to account for his movements between the 14th and 30th September, 1935. He then said, "I shall be only too pleased to tell you all I possibly can." I told him that I would take down in writing what he said, and I cautioned him.

Cross-examined by Mr. NORMAN BIRKETT—Was there ever a moment when you were reminded by any of your officers to administer the caution?—No.

I understand that when he came at 9.30 that evening you had sent for him. Had you made up your mind to charge him?—No.

At what stage did you charge him?—Approximately seven o'clock the following morning.

# Buck Ruxton.

Henry J. Vann

He had not left the police station between the hour of 9 30 p.m. on the 12th and the Sunday morning when you made up your mind to charge him?—That is correct.

Was there an occasion during that interview when he expressed the desire to go home because he was tired?—Yes; I persuaded him to stay.

Did he say, “I am too tired; I cannot concentrate”?—No.

Or, “I want to go home; I am so sleepy”?—No.

I suggest to you that he was, in fact, in custody?—No; definitely not.

Further examined by Mr. JACKSON—When Dr. Ruxton said that he would be pleased to help you did he produce anything?—Yes. He took from his pocket an envelope which was marked “My Movements.”\*

[Counsel then read statement, “My Movements.”]

That is the typewritten document which you say he had with him when he came to the police station on that day?—Yes, and he consulted the document during the time I took a statement from him.

Did he make a voluntary statement?—Yes, it was written out by me at the prisoner’s dictation, and as each sheet was completed it was passed out to a typist in the adjoining room. When it was finished he read it through and made some corrections and then signed it. He took 70 minutes correcting it, and it was initialed on each page and witnessed by two police officers.†

By Mr. JUSTICE SINGLETON—Was this statement made by him himself to you, or was it the result of questions?—He went on from day to day, and the only questions that I put to him were, “Well, it is now seven o’clock on such and such a day. What happened after that?” Or such questions when there was a doubt as to the time on a particular day.

[Counsel then read part of statement]

*Further examination continued*—That is a statement made by the prisoner which was taken down, read over by him, corrected, signed, and initialed. When that had been completed did you ask him certain questions?—

Mr. NORMAN BIRKETT—Now, my lord, I object.

[Counsel then argued on Judges’ Rules, pages 394 and

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\* See Appendix XII

† See Appendix XIII.



# Evidence for Prosecution.

Henry J. Vann

395, Archbold, 29th edition, citing rules 1 and 7.]†

By Mr. JUSTICE SINGLETON—At what time was the statement signed?—Ten minutes to four in the morning.

Had he been there all night then?—Yes.

He had asked once or twice at least in the evening if he might go home because he was tired?—Yes.

What time was it when you began to put questions to him?—Approximately five o'clock.

After he had signed the statement?—There was an interval during which I had a conference with the other officers.

What was he doing at that time?—Sitting in my office.

Mr. JUSTICE SINGLETON—The officer has said that the prisoner was not then under arrest. Notwithstanding that fact, I do not think evidence ought to be given about those questions. Under rule 7 it may be that, technically, it was right the questions should be put, and that, technically, the questions and answers are receivable in evidence; but if it be the fact that the prisoner was there the whole night, even though he had not actually been taken into custody and charged, I think he was virtually in the same position, or ought to be regarded for this purpose as in the same position.

*Further examination continued*—What time did you finally arrest the prisoner?—At 7.20 a.m. after consultation with the Scottish police. I said to him, "Listen very carefully to me. I intend to prefer a very serious charge against you. You are charged that between the 14th and 29th of September, 1935, you did feloniously and with malice aforethought kill and murder one Mary Jane Rogerson." I cautioned him and he said, "Most emphatically not. Of course not. The farthest thing from my mind. What motive and why? What are you talking?" He then signed a form agreeing with what he had said in answer to the charge. On 5th November, 1935, I charged him at 9.45 a.m. with the murder of Mrs. Ruxton. I saw Dr. Ruxton in the

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† RULE 1.—When a police officer is endeavouring to discover the author of a crime there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained.

RULE 7.—A prisoner making a voluntary statement must not be cross-examined and no questions should be put to him about it except for the purpose of removing ambiguity in what he has actually said. For instance, if he has mentioned an hour without saying whether it was morning or evening or has given a day of the week and day of the month which do not agree or has not made it clear to what individual or what place he intended to refer to in some part of his statement he may be questioned sufficiently to clear up the point.

# Buck Ruxton.

Henry J. Vann

police office in the presence of his solicitor and Detective-Inspector Green. To the charge he replied, "No, certainly not."

Further cross-examined by Mr. NORMAN BIRKETT—When you saw him on 11th October did you regard his conduct as extraordinary?—Yes.

Did he get very, very excited when the name of Mr. Edmondson was mentioned?—He did.

When he became hysterical did he become utterly incoherent and you could not follow it?—It was impossible to get down all he said.

ARTHUR HOWSON, examined by Mr. MAXWELL FYFE—I am a hairdresser at 18 Dalton Square, Lancaster. On 12th October I had a conversation with Dr. Ruxton in the room at the back of my shop. He said that there was more trouble for him as his wife had gone away. He did not know where she had gone, but that he had definite proof that she had gone with another man; he said with Mr. Edmondson. When we were leaving the room he said they were after him for the murder of Mrs. Ruxton, Mary Rogerson, and Mrs. Smalley.

JANE ELLEN GRIERSON, examined by Mr. JACKSON—In 1932 I was employed as a nursemaid at 2 Dalton Square. In the middle of April of that year I remember Mrs. Ruxton stayed in bed in the nursery all one Sunday evening. Dr. Ruxton let me in at the door, and asked me to stay with her for a few minutes whilst he went round and garaged his car. The next morning, about 5.45, Drs. Mather, Stout, and Bury attended her; she had a stillborn child. I never saw any blood anywhere on the staircase, stair carpets, or carpets on the landings.

Cross-examined by Mr. NORMAN BIRKETT—Do you recall whether, in 1932, after Mrs. Ruxton's illness, one of the stair carpets was reversed, the top side put to the bottom?—No.

You knew she was ill at this time and that a child was born, but you did not yourself observe any blood on the stairs or carpet?—No, none at all. I slept on the top landing, but I saw no blood there.

BERYL BECKETT, examined by Mr. JACKSON—On 19th September I attended a case at Skerton, and as some serious difficulties arose I telephoned the patient's doctor, Dr. Ruxton, about 10.15 p.m. He said that he could not come as he had hurt his hand with his car, and would I call in Dr. Mather. The next day I was attending another case and saw Dr. Ruxton with his hand bandaged. I asked him what he had done and he again said that he had hurt it on his car, and then he ran out of the room. On 18th April,

# Evidence for Prosecution.

Beryl Beckett

1932, I attended Mrs. Ruxton after her miscarriage. Dr. Ruxton said that it had occurred in the nursery where she and the children slept. There was some blood about the room and on the bedclothes, but I did not notice any on the landing or stairs. There were spots of blood all about the nursery floor, but the charwoman came in every day and washed up the floor.

Cross-examined by Mr. NORMAN BIRKETT—When you came in on that occasion in 1932, did the doctor not tell you that Mrs. Ruxton had fallen on the staircase?—No, he said that Mrs. Ruxton had heard the children and had run up the stairs and had fallen in the nursery, and the baby had been born there.

There was a good deal of blood about in the room?—I could not say a great deal. I was not looking for it on the stair.

Did Dr. Ruxton call you in on several maternity cases in 1934?—Several that I called him to.

Was there not a good deal of blood on those occasions?—Yes, on most occasions.

Did you ever see Dr. Ruxton wearing an overall on any of these occasions?—No.

It is quite possible that the doctor attending these confinements might very likely get his suit spotted or splashed with blood?—Yes.

Dr. LEONARD MATHER, examined by Mr. JACKSON—I am a medical practitioner practising in Lancaster. In April, 1932, I was called in after Mrs. Ruxton had been delivered of her stillborn child about 5.30 a.m. I saw no signs whatever of blood on the staircase.

Cross-examined by Mr. NORMAN BIRKETT—Do you remember that when the doctor met you in the hall and escorted you upstairs he told you that Mrs. Ruxton had been running upstairs to the children and had fallen?—I do not think he said that at all.

Did you ascertain how the accident had occurred?—No. The case required immediate attention and I concentrated on that.

There was a considerable quantity of blood?—There was some hæmorrhage, mostly on the bedding. I saw no blood on the floor nor on the staircase.

Dr. FREDERICK WILLIAM BURY, examined by Mr. JACKSON—I am a medical practitioner practising in Lancaster. In April, 1932, I was called in when Mrs. Ruxton had a miscarriage. I went up to the bedroom and saw no blood anywhere, apart from the bedroom.

Cross-examined by Mr. NORMAN BIRKETT—You did not look for any blood on the staircase?—No, I was concerned about the patient. The afterbirth had not expelled and she was still bleeding.

# Buck Ruxton.

Dr. F. W. Bury

There was a good deal of blood about the room?—Only on the bed I did not see any on the floor.

CECIL THOMAS, examined by Mr. MAXWELL FYFE—I am a portrait photographer carrying on business in Lancaster. On 26th February, 1935, I took a portrait of Mrs. Ruxton. Exhibit 171 is the positive of my photograph which I have enlarged up to the print, Exhibit 172. The enlargement was made to approximately  $9\frac{3}{8}$  inches and compares in practically every detail to the original.

By Mr. JUSTICE SINGLETON—Why do you enlarge it to  $9\frac{3}{8}$  inches?—Because by means of clothing, &c., I have made a practical reconstruction. [See illustration on p. 184.]

Is it in order to get the life size as nearly as you can?—Yes.

*Examination continued*—Are these enlargements enlargements of snapshots of Mary Rogerson done by you?—Yes. I did not make these marks on them (indicating).

Cross-examined by Mr. NORMAN BIRKETT—When you say approximately life size, it is not possible to get it with exactitude?—No.

Did anybody instruct you in the precise operation of enlargement?—No.

When you say  $9\frac{3}{8}$  inches what do you mean?—This means that from a practical reconstruction I determined the vertical height of the face, from the top of the head to the chin, to be approximately  $9\frac{3}{8}$  inches; it might, of course, be  $9\frac{1}{2}$  inches.

You wanted to get an approximate life-size portrait; and you therefore studied the photograph you had, made your own calculation, and came to the conclusion that if you made this  $9\frac{3}{8}$  inches it would be approximately life size?—Yes, in the first case. In the case of Mary Rogerson I had no means of reconstructing at all and simply had to use my own professional experience.

You were not instructed by anybody; you did it upon your own professional experience?—Yes, entirely.

By Mr. JUSTICE SINGLETON—You have had a lot of experience in the way of photographs, portraits, and enlargements?—Yes.

You used your own experience as best you could in order to get something as near life size as possible?—Yes.

Re-examined by Mr. JACKSON—You have spoken of a reconstruction. Was there anything you were able to take to help you in getting your correct measurements, comparing it on the photograph itself?—Yes, there was the tiara which I could measure and make my calculations from, and also a frock on which I measured the horizontal measurements of the beads.

# Evidence for Prosecution.

Thomas S. Stobie

THOMAS SMITH STOBIE, examined by Mr. MAXWELL FYFE—I am a detective-constable in the Edinburgh City Police Force, attached to the photograph department. On 6th October, 1935, I went to the forensic medicine department of the University and took a number of photographs which are arranged in books.\* I took all the photographs in Exhibits 135 to 143, inclusive, with the exception of Nos. 26 and 27 in Exhibit 143 which were taken by Dr. Millar. On 8th November I took photographs of the two bodies assembled together, and on 9th November I took photographs of one of the skulls, the other one having been photographed previously by me. I made no marks on these photographs.

Cross-examined by Mr. NORMAN BIRKETT—The books of photographs have been neatly labelled. Did somebody direct you about the photographs and affix these labels in connexion with each one?—Yes, Professor Glaister.

How can you ascertain that you are going to get in the photograph the actual size of the object?—It depends which way you take it. You can put up a rule and take the photograph, or you can place the object in front of the camera which was set to actual size, that is, in one plane.

Did you know that?—Yes, I knew that when I took the photographs of the skulls. I adjusted the camera, which automatically sets itself, to take actual size in one plane. When this is done the image on the screen is actual size. The camera used in this case was a Hunter-Penrose process camera, a special camera used for copying work and exact work in photography. The photographs were as nearly as possible the exact size in the plane I focused on. When you produce photographs of an object you have to represent them in a plane only in two dimensions, whereas the object is in three dimensions. In the photograph which you subsequently produce there can only be one plane actual size. The rest of the photographs will accordingly diminish as the object is farther away, or be greater as the object is nearer the camera.

And if you take it obliquely, that would vitiate the matter altogether, if your camera was not straight?—No, it would make a difference to the plane.

Clearly, and it would vitiate your results?—It would, but the camera is tested so that the lens is vertical with the object.

But human agency does enter into this matter; your human hands have to put the lens in a line with the object?—No, the camera is on a frame; it is set on a frame; it is a fixture on a frame.

But your hands have to adjust it? Your lens is straight in the same plane?—Yes, but I cannot put this particular camera obliquely. It is on two horizontal bars on a revolving table and is

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\* See Appendix II for details of photographs of remains.

# Buck Ruxton.

Thomas S. Stobie

in a fixed position put by the makers. I have to go back to the position fixed by the makers to put the camera straight.

Mrs. ELIZABETH CURWEN, recalled, further cross-examined by Mr. NORMAN BIRKETT—You were at the Ruxtons' house in 1932?—Yes.

Were you there at the time Mrs. Ruxton was ill when the child was born dead?—No, I was not there then.

Did you ever see a carpet at the Ruxtons' house that was reversed, that is to say, had been turned over?—Yes.

Can you tell us on which stairs that carpet was?—I reversed them in 1933 when Mary Rogerson had had her appendix out, and the old carpet from the top landing down to the dining-room landing was on the bottom landing from the bathroom down to the doctor's surgery on the landing at the bottom. The fawn carpet with a blue border down was on the bottom one. That was on the top one, and I removed them about.

Did you ever turn the top side so that it was on the under side, and the under side on the top?—Yes. I did that with all three lots of stair carpet.

When you reversed these carpets did you see any blood on them?—No.

By Mr. JUSTICE SINGLETON—That was not your reason for changing them?—No. Dr. and Mrs. Ruxton were on a tour, and I was doing a bit of spring cleaning, and I reversed the worst carpets to the top on the top landing.

Professor JOHN GLAISTER, examined by Mr. MAXWELL FYFE—I am a registered medical practitioner, hold various degrees and qualifications, and am Regius Professor of Forensic Medicine at the University of Glasgow. On 1st October, 1935, in company with Dr. Gilbert Millar I visited Gardenholme Linn, near Moffat, and also went to Moffat Cemetery mortuary where I saw certain human remains which were subsequently removed to the Department of Anatomy in the University of Edinburgh. Since 2nd October I, in conjunction with other gentlemen, have conducted an investigation on these remains.\* [See diagrams on pp 368 and 369.]

Exhibit 135 contains photographs of what I have termed Head No. 1.† Photograph 1 shows clearly the extent to which tissue has been removed from the front of the head, namely, the region of the face. It can be seen that the eyes have been removed,

\* See Appendix III for report by Professor Glaister on medical and pathological examination. For further extended information on this subject, see *Glaister and Brash*, "Medico-legal Aspects of the Ruxton Case," Livingstone, 1937.

† See Appendix II for details of photographs of remains.

# Evidence for Prosecution.

Professor John Glaister

the tissues of the nose, the skin of the face generally, and also the removal of two central teeth in the front part of the upper jaw. Beyond prevention of identification there is one other possible reason for these removals. The portions removed here, in particular the ears, lips and other parts, are parts of the body which might bear signs of asphyxia if death had been produced by asphyxia. Photograph 2 shows that the amount of tissue on the left side of the head is fairly complete, and also shows a small collection of rather longer hairs in front of the left ear, with multiple cuts over the left side of the scalp, and the presence of hair varying from the scalp level to a length of  $3\frac{1}{2}$  inches from the scalp. Over the crown on the head in photograph 4 an irregular wound can be seen which, when originally examined, had a Y-shaped contour: a very short distance behind that there has been a cut which is suggestive of a slicing operation. It *might* have been an unsuccessful attempt to cut out that wound. Below the first ragged Y-shaped wound, on the highest portion of the crown of the head in the centre line, was found a small fracture of the skull deepening from the back forwards, and which was H-shaped when viewed from the inside of the skull. Slightly to the left of that there was another fracture which only affected the outer shell of the bone but not the interior. Photograph 6 shows the site of decapitation. It has been carried out on a level with the floor of the mouth. The skin is present from in front of the windpipe to the lower margin of the chin, while the line of decapitation is at a point  $2\frac{1}{2}$  inches below the opening of the ear. Neither myself nor the other experts I consulted are able to state whether the fractures occurred before or after death, nor would we desire to be rigid in our opinion regarding the irregular Y-shaped wound.

Were there certain signs on the jaw?—There was a bruise on the left side of the mid-line of the jaw, and also under the left eye. It was rather deep, and was in the muscular tissue. The bruise under the eye rather pointed to ante-mortem origin, but the bruise on the jaw was somewhat more doubtful in this respect. On the tongue there were impressions of two teeth that had been drawn, the two upper central teeth, and evidence of a bruise on the right side of the root of the tongue. The superficial vessels of the brain were in a state of congestion. Four of the topmost bones of the spinal column were attached to the head. The tonsils had a "craggy" appearance, which is sometimes very suggestive of chronic disease of the tonsils. The larynx was exceptionally small, a factor usually associated with the female. There was no appearance of beard hairs on the face.

Exhibit 136\* mainly shows the dismemberment of the right

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\* See Appendix II for details of photographs of remains.

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upper arm, left upper arm, and left forearm and hand. It shows that the dismemberment has been effected by cutting through the joints: what is termed disarticulation as opposed, for example, to sawing through a bone. In photographs 15 and 17, dealing with the left upper arm, can be seen a bruise. On cutting into that area, we found that there was free blood which one would expect in bruising by violence. In photograph 16 can be seen distinctly four vaccination marks. There was a bruise on the back of the right upper arm, but that was not so pronounced as on the one on the left upper arm. On cutting into this bruise, we again found free blood. Microscopic examination of the tissue from the bruised areas gave indication that these injuries had been caused prior to death.

Exhibit 137 deals with the legs of what we believed to be the same body.\* [Witness dealt with disarticulation of the legs] A number of vessels were dissected out, and their interior examined without disclosing the presence of blood or any appreciable blood staining on the linings of the vessels. This meant that blood had been drained from the body entirely before there had been time for the blood to clot after death, and in my view gives an indication of a relatively short interval of time between death and the mutilation—without commitment, I should say within a few hours of death in average circumstances. Photographs 40 and 41 show the left lower leg and foot.

By Mr. JUSTICE SINGLETON—Among these there are pictures of both feet said to be of Body No. 1, and I gather it is going to be shown there is only one foot which is said to be part of Body No. 2, and there is a trunk of Body No. 2 and that trunk and the two legs and feet were in one bundle?—Yes, and the other foot was recovered at a later date from Moffat.

*Examination continued*—In the case of Body No. 1, did all the measurements agree?—Yes.

By Mr. JUSTICE SINGLETON—You are satisfied that they belonged to the same body?—Yes, from what Professor Brash has shown me, I am satisfied that they do.

*Examination continued*—Exhibit 138 contains six photographs of the right forearm and hand.\* They show a very appreciable removal of tissue over most of the parts. Parts of the fingers were missing. The outer skin had, I think, been removed. Photographs 46 and 48 show this, and photograph 50 shows damage to the tip of the middle finger very clearly. I think the outer skin had exfoliated naturally. That concludes my description of what I attribute to Body No. 1.

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\* See Appendix II for details of photographs of remains.



# Evidence for Prosecution.

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Now we come to Body No. 2?—Yes. Exhibit 139\* shows the head of Body No. 2 as we found it at Moffat with one exception—photographs were taken after we had removed the skull cap, but that in no way alters the appearance. The tissue was removed to a greater extent than in No. 1, there being only tags of skin left. There were no signs of beard hairs on the chin. As in the other body, the eyes had been removed, as also the skin of the face together with the soft tissues of the nose, both ears, nearly all the scalp tissue bearing hair, the lips, and a portion of the tongue had been cut off. The tongue was swollen and enlarged, even larger than in the case of Body No. 1, and protruded beyond the margins of the teeth to the extent of about  $\frac{1}{4}$  inch, but that measurement does not include the portion of the front of the tongue which had been removed over a distance of  $1\frac{1}{2}$  inches, and the wound apparently which produced that severance had extended to the tissues of the floor of the mouth. There were impressions on the tongue of teeth and sockets in the mouth, the sockets being the sites from which teeth had been removed. The head had been severed between the fifth and sixth bones entering into the upper portion of the spinal column, known technically as the cervical vertebræ. Five bones were left in the head portion. The larynx was larger than in that of the other body but was of average size for an adult female. In the hyoid bone—a little horseshoe-shaped bone with two joints situated in the region of the neck more or less just below the level of the floor of the mouth—the joint on one side showed signs of a patch of bone formation, and through that bone formation there had been a fracture—by that I mean that patch of bone had been broken—permitting the limb to move in an unnatural way. The bone is placed in a very protected position as a rule, and when it is found fractured it not infrequently has been fractured as the result of the application of local violence. Strangulation is one such method of violence. The superficial vessels of the brain showed appreciable congestion. The windpipe was severed below the cricoid cartilage.

Exhibit 140\* contains photographs of the chest. The chest had been disarticulated from the head; and from the pelvis below at a point between the second and third lumbar vertebræ. In front the tissues have been cut away below the level of the twelfth rib. There were five wounds in the left wall of the chest caused, in my opinion, after death in course of dismemberment, which also accounts for the wound into the heart. I again found a state of absence of blood, and came to the same conclusion as in Body No. 1.

By Mr. JUSTICE SINGLETON—May I take it that your view is, as in the case of Body No. 1, that the blood must have been

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\* See Appendix II for details of photographs of remains.

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drained from the body within a few hours of death, and that the body must have been disarticulated within a few hours of death?—That is my view.

Suppose a skilled man, a man of experience in these matters, had to disarticulate a human body in the manner in which these are done, can you give any idea as to how long it would be likely to take the man who had knowledge of the human frame?—The best way I could put it would be to apply such a question to the case of Body No. 2, because the parts available are more extensive than in the case of Body No. 1. Provided the individual could proceed with the work without interruption and undue fatigue, was dexterous, and had proper light and sharpened instruments, I should think he would probably be able to effect that degree of mutilation somewhere in the region of five hours.

That is including the taking of the flesh off the bones?—Yes; I would put that figure as a minimum.

The actual disarticulation, apart from taking the flesh from some of the bones, would, I take it, occupy considerably less time than that?—Some of the disarticulations would be rather difficult and some relatively simple. We have no evidence as to the abdomen or the contents. The available parts weighed come to the region of about seven stones, and if allowance is made for the liquid blood also absent in both cases, there would probably be about seven stones of material missing from the two bodies if they were individuals of average weight.

When you say five hours in the case of Body No. 2, are you saying that it would take five hours in your view to drain the blood, to disarticulate, and to cut portions of the face and other parts off?—I think the draining of the blood would be accomplished as the disarticulation proceeded.

Body No. 1 has not so much flesh cut away from it?—There is only the flesh from one thigh bone cut away, and we have no pelvis and no abdomen, and we do not know what may or may not have been done to them.

*Examination continued*—Is there any guidance in the state of the heart in getting at the age of the body?—We thought there was a slight degree of fattiness there, but we are not stressing that.

Is there any significance in the state of the lungs?—I regard both lungs as showing evidence of congestion. The lungs showed congestion generally and the surface, one surface in particular, of the lower lobes showed the presence of small pinpoint hæmorrhages. These small hæmorrhages are most frequently found in cases of asphyxia.

Photograph 15 shows the bony basin or pelvis of the body, and in this case it has been detached from the trunk between the second and third bones in that particular region of the spinal

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column. The third, fourth, and fifth lumbar vertebræ are attached in position to the pelvis. We found a small portion of the vagina. The external genital organs had been removed from it. There is no evidence of the uterus within that pelvis, and the bladder was quite empty and in a state of contraction.

By Mr. JUSTICE SINGLETON—Is any particular skill required to cut away the portions within the frame from the pelvis?—If the skin and muscle coverings had been cut away that would expose the interior; thereafter it would have been a question of severing structures as they were seen. The mutilation such as I have seen I consider would demand some definite anatomical knowledge. I think the more difficult manipulation would be to effect disarticulation between the trunk and the pelvis; the other points are rather routine. There is the significance which may lie behind the removal of certain parts in relation to the face for reasons which have already been discussed, the lips, eyes, ears, and the like.

As destroying possible external signs of the cause of death if the cause of death was asphyxia?—On that assumption, if it had been.

*Examination continued*—Exhibit 141 deals with the upper and lower limbs of Body No. 2.\* The arms have been disarticulated through the elbow joints and portions of the fingers have been removed. These are clearly shown in photographs 20 and 21. The ends of the thumbs have been removed, and two joints of the remaining fingers have been removed by disarticulation again through the joints and an incision has been made between the ring and middle fingers dividing the tissues of the hand for a certain distance on both surfaces.

By Mr. JUSTICE SINGLETON—Can you see any purpose in that?—We thought it might have been an attempt to remove a portion of the hand, but either the time factor or difficulty prevented the conclusion of that act which had been embarked upon.

Somebody who did it was going to cut off a portion of the hand?—That is a possibility.

*Examination continued*—The skin of the hand was sodden, but the outer skin was present when we saw the remains. There has been a very extensive removal of tissue from the extremities of the body as opposed to Body No. 1.

Exhibit 142\* deals with the left foot, which is the only foot that has been recovered with regard to Body No. 2. There has been damage to the toes, but this portion of the body, together with the right forearm and hand of Body No. 1, which were

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\* See Appendix II for details of photographs of remains.

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found later, were first examined by Dr. Millar and he will speak to them.

You have told us you agree with the assembling of the bodies which was primarily done by Professor Brash?—Yes, exclusively done by him, and I agree with the assembling of the two bodies, as far as these could be apportioned.

There were a number of other parts which it is not possible to fix or to attribute definitely to one or other?—Yes. Exhibit 143\* deals with the soft parts found. Among the remains we found three breasts which could not be definitely assigned to either body. We considered them at length and could not arrive at any scientific basis for assigning these with accuracy to either one or the other. Two were a pair, slightly pendulous, which may be, and often is, an indication of the subject having borne children. We found two portions of external female genitals, representing two separate bodies, and a uterus which showed no sign of pregnancy. There is no portion of the female genitals retrieved from the remains from which I could give an opinion that there had been a definite pregnancy.

From your general conclusions, what would you say the remains represent?—Two female bodies. From the portions available I should say both were well-developed and well-nourished subjects.

You have said that in the case of Body No. 1 you were not able to state whether the fracture of the skull was occasioned before or after death. If these blows accounting for this fracture were inflicted before death, would they be sufficient to kill or simply sufficient to cause unconsciousness?—I should not expect to find death resulting. I think it is quite possible, and very likely, that unconsciousness would result or might result.

From the available material, is it possible to attribute the cause of death in the case of Body No. 1?—I should not like to take the responsibility of attempting that.

In the case of Body No. 2 you have told us that there was this fracture of the hyoid bone and congestion of the brain and lungs, and that certain parts were removed. Can you give a proximate cause of death for Body No. 2?—In my opinion I think the probable cause of death was asphyxia in the case of Body No. 2.

Are you able to give the general colour of the hair of the two bodies?—From the general colour of hairs available from the body and from the head hair of No. 1, I am of the opinion that it was light brown: in the case of No. 2, darker, mid-brown to darkish brown.

On the examination of the left great toe in Body No. 2, were you able to come to any conclusion?—I examined the X-ray photo-

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\* See Appendix II for details of photographs of remains.

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graphs taken by Dr. Godfrey, and am of the opinion that there were certain bone changes there, and such bone changes are frequently accompanied by a condition called a bunion.

Could you tell what interval of time had elapsed between death and your examination at Moffat on 1st October?—Probably ten to fourteen days or thereabout, but I cannot estimate it with scientific accuracy.

Were you requested to go to 2 Dalton Square, Lancaster?—On 14th October I went there with Dr. Martin, and on 22nd October with Dr. Millar. On 21st I received certain articles from Detective-Sergeant Stainton; some further articles on 24th and 31st October from Constable Brown; and, lastly, some more from Lieutenant Hammond on 12th November. I tested these articles for the presence of blood.\*

Let us first deal with the flight of six stairs [stairs produced†]?—This is the flight of stairs at 2 Dalton Square from the bedroom landing down to the uppermost sub-landing; I numbered the rails from the top. There were three stains on the third rail from the top and, on the fourth rail, nine areas and in some of these areas there were several stains—four on the stair surface and five on the front surface. Rail 5 had five areas of staining on the back and front; rail 6, nineteen; rail 7, five on back surface and several small stains on stair surface; rail 8, eight stains on stair surface and one on front surface; rail 10 a group of stains and a single stain on stair surface and two stains on back surface; rail 13, two stains on stair surface and two stains on back surface; rail 14, one stain on stair surface and seven stains on back surface; on the banister on the stair surface there are a number of stains. The stains tested revealed the presence of human blood. I also tested the stair rod holders and proved the presence of human protein in three instances. The body contains certain substances composed of protein material. Unless we also find other tests conclusive for mammalian blood, the group to which man belongs, we cannot say a positive precipitin test means human blood; but even in the absence of these, if we get a positive precipitin reaction, we can say it is human protein without stating the nature of protein. I am able to state that in eleven cases arising from the stair rails in which there were sufficient areas to test, we found human blood.

The next thing is the door of the bathroom. Did you examine that door [door produced]?—I examined the door and found on the black side—the bathroom side—that there was staining on

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\* See Appendix IV for stain tests. For further extended information on this subject see *Glaister and Brash*, "Medico-legal Aspects of the Ruxton Case," Livingstone, 1937.

† See Appendix I for list of exhibits spoken to by Professor Glaister

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the lowermost panel occupying an area 16 inches by 9. The stains were directed from above downwards and slightly oblique from left to right as one looks at the door. These stains proved by analysis to be composed of human blood. I found several stains on the side of the bathroom seat [witness described position of seat relative to bath and bathroom door on photographs, and showed positions and areas of staining]. The linoleum covered the top surface of the seat and fitted over the projecting bevel of the seat. I found smears coming down from the top [seat produced]. These stains disclosed the presence of human blood. I found two areas of staining near the extreme left-end portion of the linoleum from the bathroom floor facing the bathroom cupboard, which is situate at the far end of the bathroom from the doorway. These proved to be human blood. We also found on the linoleum over a distance of 32 inches six areas of very thin staining along the side rim next to the bath. The most continuous portion measures 12 inches, while other areas measure roughly an inch in length. The result of the serological test showed the presence of human protein, but there was insufficient material available for complete tests, therefore a definite opinion as to the presence of blood is not expressed. Scrapings were taken from all the surfaces of the bath stop and plug, and the presence of human blood disclosed. Similar stains were present on the left-hand side of the woodwork panel of the wash-hand basin. Human blood was found on the lower portion of the inside of the bathroom cupboard door and also on the linoleum covering the cupboard floor. The floor boards below the linoleum were also contaminated with human blood. Similar staining was also present on the boarding at the back of the bath. [See illustration on page 160]

From Exhibit 159 [bath and bath fittings produced] a scraping was taken from the pipe portion of the water outlet, just at the base, where the pipe screws on to the fixture, together with some adherent straw-like debris, and examined, revealing the presence of mammalian blood. I cannot express a further opinion as to its origin because I could not eliminate the possibility of soap contamination interfering with the precipitin reaction.

By Mr JUSTICE SINGLETON—Is that the point where the dripping of the geyser is said to have made a rusty mark?—No, the part to which I refer is the water outlet of the bath.

Yes, I follow that, but can you tell me if there is shown in the bath a rusty place, to which someone referred in the course of their evidence, made by hot water from the geyser?—Yes; a rusty stain is definitely present, but has nothing to do with this evidence.

*Examination continued*—On this composition slab, which comes from the side of the bath to make that ordinary bath look like a built-in square bath, you found some stains?—The surface shows

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numerous streaks of reddish colour somewhat scattered and irregular in their distribution. The majority indicate that the fluid flowed for a considerable distance from above downwards and subsequent tests showed it was human blood. On the woodwork situated at the back of the w.c., near the tap end of the bath, I found eighty discrete spots of human blood, and from the shape and distribution of the stains I formed the impression that the material composing them had either been forcibly ejected or splashed on to the surface; for example, it might have been deposited there by the spurting of a small artery, or the hitting of an already moist surface might spread it by that means. The w.c. in question is one of the very old-fashioned built-in pans with woodwork round it. I also found about twelve stains on the lowest right-hand corner of the wood near the tap end of bath, and there were also stains on the piece of wood between the bath and the w.c.

We now pass to certain articles of clothing.\* Do you attach any importance to the stains on this leather coat [produced]?—I do not think they are of any medical significance. Exhibits 35 and 36—the jacket and trousers [produced]—have very extensive staining of human blood. The staining which is now present on the coat from the time it dried at least, must have been well observable. The coat had been worn and was like an old suit contaminated. On this suit there was some adherent debris which, in my view, I thought was adherent portions of cotton wool, in one instance pink stained and in the other unstained

We will now pass to the carpets?—Exhibit 41 [produced] has a darkish brown staining, but the tests applied to detect the presence of blood were inconclusive and therefore no opinion is expressed. The precipitin test showed the presence of human protein. In Exhibit 38 [produced] the stains on this carpet are so numerous and some so faint that to describe them in detail would lead to a mass of measurements difficult to follow. The staining generally is of a faint brown colour, commences close to the margin at one end, and throughout is confined almost exclusively to the unpatterned portion of the centre, there being only isolated scattered small stains upon the coloured portion in odd instances. The staining on the unpatterned portion is very marked upon the worn portions of the carpet which are assumed to have been the tread portions. The results of the examination for blood were very inconclusive in several places, but, in addition, four stains were taken from various parts and in two instances gave indication of the presence of human blood. In Exhibit 37, the carpet with the patterned border and patterned centre, several stains of reddish colour and, in some instances, the presence of what appeared to be reddish clotted material were visible. A number of these were

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\* For report on stains on clothing, carpets, &c., see Appendix IV.

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taken which proved to be of mammalian blood. Of nine stains submitted to the precipitin test, it was felt that in three instances there might be presence of soap and these results were discarded, but in the others the results showed the presence of human blood. The clotted material, about the size of a lentil, which was also found on the lower side of the carpet when reversed, proved to be blood.

Will you now deal with the stair pads?—There were five stair pads, all of which showed human blood, but in one instance only we discarded it because we thought that there might be an element of contamination. Exhibit 77 is a pair of corsets, but to this I do not attach any medical or legal significance. Exhibit 164 is a chamber pot, both inside and outside of which are stains of blood. Exhibit 165 is the linoleum next to the floor boards underneath the checked linoleum in the bathroom. There I found two stained areas of human protein, one at the bath, on two sides of the linoleum, the other on the upper surface situated on the projecting portion of the cupboard-door end.

Generally, with regard to the stains we have been discussing to-day, can you state the age accurately?—All I can say is that, for example, if we take the felt pads, on removing the squares of those necessary for examination, putting them in appropriate dishes, and adding the appropriate fluid for extraction, by the time the fluid put on one surface had soaked through to the other, the fluid that was coming away was rich in colour, which gave me the impression that the degree of fixation was not very great. Within wide limits there may be some indication of the age of the stains by the degree of solubility, but that is only a very approximate method of estimation. All one can say in such a case as this is that it is unlikely that the blood is very old.

From this staining that you have spoken to on the stairs, in the bathroom, and on these various carpets, would you say a little blood or a considerable amount of blood had gone to the making of it?—I should say a considerable amount of blood.

If the blue suit is put on one side, even apart from that, would you say that a little blood or a considerable amount had gone to it?—Dealing with the felts, and what I saw of the carpets, I would say an appreciable amount of blood had been deposited

The Court adjourned

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**Eighth Day—Tuesday, 10th March, 1936.**

Professor JOHN GLAISTER, recalled, cross-examined by Mr. NORMAN BIRKETT—When you first saw these remains at the Moffat Mortuary on 1st October, what state were they in? Were they in one



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receptacle?—The majority of the portions were in a heap on one mortuary table, and in the same apartment was a trestle containing debris, and it was supposed there might be small portions of tissue there. The debris consisted of twigs, leaves, and certain forms of animal life that had developed on the remains.

On that day you did little more than make a cursory examination, and ordered their removal to Edinburgh for more detailed examination?—Yes.

In those remains there are forty-three parts, mostly soft parts, which remain unassigned to either body?—Yes.

Included in those parts was there a cyclops eye?—There was a portion which we thought was a cyclops eye

Was that not a very remarkable and startling discovery?—A most unusual find under the circumstances.

Is not the cyclops eye a product of a monstrous birth?—It is.

In the ordinary case, instead of the foetus, or the child, having two eyes, by some irregular process of nature they have become one in the centre of the forehead?—Or close together.

That would not be a strictly cyclopean eye if they have not quite approximated, but if they have approximated as one eye in the centre of the forehead that is called a cyclops eye?—Yes.

That cyclops eye in these remains is undoubtedly the product of a monstrous birth of some kind?—That was our view.

For all that you know to the contrary, it may be the sole remaining product of a human foetus?—We did not regard it as human, and very careful and detailed examination was undertaken on more than one occasion.

Yes, but no serological tests were undertaken to ascertain whether it was human or animal?—We could not apply a serological test to a specimen like that, because the crystalline lens of the eye is the only structure of the body of which individual antisera have to be prepared from each individual crystalline lens.

Was this cyclops eye put into formalin to preserve it?—It was put, with the other parts, into 1 per cent. formalin solution.

That would render it quite impossible now to apply any chemical tests to determine whether it be human or animal?—That depends on the degree of saturation of the tissue, and the method adopted in its removal.

In the case of a cyclops eye being animal, it is usually a grazing animal, is it not?—A pig, very often.

There is always present what is called a tapetum which gives a metallic iridescence to the eye?—I believe so.

It was, in any event, a most startling and remarkable thing to find?—It was very unexpected, but, of course, in our own view after consideration, we could speculate as to a cause of its being there—a reason.

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Professor John Glaister

Now in exhibit 136, photograph 25 shows the left hand of what you have assigned as Body No. 1?—Yes, that is so.

On the ring finger, is there not the distinct marking of a ring having been worn?—In that particular part of the photograph it shows light and shade; but in the original, when examined by us, there was no suspicion of any ring mark in that location on 1st October. [See illustration on page 192.]

I suggest to you that upon that hand there was, and is still, to be observed the marking of a ring?—It has not fallen within my observation. I might add that the changes which may, and are likely to, have taken place in these parts, after the treatment they have had and the interval of practically four months from the initial examination, might easily account for a lot of things at this stage.

So it could not come from the distinct marking of a ring?—I could not observe it. I looked for markings right at the beginning and at subsequent dates of the investigation, but saw nothing which would justify me saying there was represented the mark of a ring.

If that hand and arm of Body No. 1 are wrongly assigned, then you are dealing with the remains of three bodies?—I think my colleague, Professor Brash, is dealing with that entire field.

The nails upon that hand show indications, do they not, of great cultural care?—No, I do not think they do. This photograph was taken during the time subsequent to 1st October in the laboratory whilst we were working on the parts. If you notice the nail bed of the middle finger, you will see some irregularity that in point of fact showed a rag nail, or what I took to be a rag nail. The actual periphery of the finger nails showed some dirt on 1st October, but whether from soil or not I am not prepared to say. I could find no evidence of any manicuring of an intensive character at all; all I could find was that the nails had been clipped at apparently irregular intervals.

Did they appear to be bevelled?—Yes, particularly the ring, fourth, and little fingers.

Are we agreed that there was no ring mark on the hand of Body No. 2?—No ring marks in connexion with the hands in this case were found at all by us.

In exhibit 143, photograph 14 shows the upper surface of the tongue with imprints of teeth, and photograph 15 shows the under surface with imprints of teeth. On that tongue there are no marks, are there, from the middle upper incisor teeth?—I think you would get very much better evidence from the dental expert who has got casts or moulds and is prepared to speak on these points than you can from me. I have merely recorded the presence of impressions and taken a note of them.

If the cause of death in the case of Body No. 1 was asphyxia

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by throttling, you would have expected to find upon the tip of the tongue the marks of the middle upper incisor teeth?—Not necessarily. They might have been there and subsequently have been obliterated by the pressure of the sockets from which these teeth had been removed after death.

Throttling, in the ordinary way, is the pressure of the larynx up against the roof of the mouth, causing the tongue to protrude?—Yes.

And, in the ordinary way, those two teeth at the front would make an impression upon the tip of the tongue?—At the moment of death I would expect that to be there, but if these two teeth had been removed immediately after death and the jaws forcibly compressed for any reason, those original marks might very compatibly be obliterated by the sockets.

You are not, however, prepared to assign a cause of death to Body No. 1?—No, I am not in a position to do so.

If the death was occasioned by throttling, in the ordinary way certain organs of the body would show signs of it?—I would certainly expect that.

And in the case of both these two bodies, many, if not most, of these organs have been removed. That is the lips, ears, and so on?—Yes.

In your view this mutilation was the work of an expert anatomist?—Somebody with some definite anatomical knowledge.

What kind of knife or knives would be requisite for the mutilation and disarticulation of these two bodies?—If I had to make a selection from a pathological point of view, I would like a Syme's amputation knife with a metal handle.

Would one knife of that description answer for all the operations such as removing the lips and the disarticulation of the joints?—It would be better to employ a rather smaller knife in addition.

Would the removal of the eyes, for example, require a special knife?—No, an ordinary scalpel would meet that.

Does that mean that the whole of this mutilation and disarticulation to the two bodies could have been done with two knives, one a Syme's knife and one a small scalpel?—You would have to have repeated sharpenings of those two knives, or, alternatively, a series of the same kind of knife in order to keep the blades keen for the work. One knife might not become blunt very rapidly, but it would certainly have to be changed from time to time or sharpened.

It would have been quite impossible to do this with one knife unsharpened?—From the appearances of the wounds generally, I would not expect that.

Even if it took a very much longer time, it would not be a possibility having regard to what you have seen?—On the

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assumption there was one knife only, and that was blunt and not sharpened, I should not expect that state of affairs. I do not want it to be thought that in the case of every incised cut it was a classical incised cut with a sharp knife. Some of these wounds gave the impression that they might have been effected by a sharp instrument but not quite keen.

To show that this work was not that of an expert, was not the slicing operation on Head No. 1 very amateurishly done?—Of course, we do not know the object of effecting it. We have said it might have been due to an attempt to remove the lacerated wound, but the opinion is rather speculative.

Upon that assumption, if that were the purpose, it is fairly clear it was very badly done?—Of course, a head has a knack of slipping very readily because of the mobility. Anyone who has to perform pathological autopsies will realize that the head is one of the parts which have to be very carefully watched to avoid self-injury because of that

In several cases there are superficial cuts upon the surfaces of the bones. Is that not also an indication of inexpert and unskilful work?—Maybe. I have often done it myself, and if I were working with haste I would not guarantee that I would not do it. It is just a very tiny injury: the superficial surface of the covering cartilage.

Do these matters not indicate that the person who did this was not possessed of any degree of real skill in the matter at all?—I do not honestly think I could subscribe to that view.

The left shoulder blade in Body No. 2 was almost severed from the trunk and fractured; the diaphragm in Body No. 2 was most irregularly and extensively cut through; and the ligament holding the uterus was most irregularly cut. It would be quite wrong to say that the work, the surgical work, in this case was in any degree other than very amateurish?—No; I do not agree with that. It indicates a knowledge of anatomy to know where to cut through a diaphragm and to know where to separate the uterus through its ligament. The time factor in disposing of bodies is a very important one even to one with a knowledge of anatomy.

You said that from the moment of death to the moment of complete dismemberment and draining of Body No. 2 of blood would be a minimum of five hours?—That is my view, with the qualifications I gave.

Five hours minimum. Was that based upon an expert estimation with knives at his disposal, good light, and good conditions?—I mentioned several of those factors in my qualification to that answer. The method whereby that figure was arrived at was by a consideration, in detail, of the work that had been effected in the case of Body No. 2, and giving a very approximate assess-

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ment of time to each manœuvre, and then totalling it up and arriving at an approximate minimum figure. It might conceivably extend beyond that figure of time.

In the case of Body No. 1, you have much less material upon which to found an opinion, but, from what you there saw, that in all probability would require the same time limit as Body No. 2?—I would not like to commit myself on that point at all. There is more extensive mutilation of the parts existing on Body No. 1 than on Body No. 2.

Would the draining of blood from a body itself take long?—I should think that if the mutilation were embarked upon in a short time after death, the draining would occur concurrently with the mutilation proceeding.

Would it be possible to drain the body of blood before beginning the act of dismemberment?—It could be drained in part.

Supposing such an operation were done before dismemberment, would that rid the body of the major portion of its blood?—To a very great extent, yes.

In the case of the human body, do you subscribe to the view that the blood always remains fluid and does not clot except in rare cases of exophthalmic goitre or epilepsy?—No. The view I hold with regard to that subject is that within a varying period after death the blood does clot; but in certain cases, such as asphyxial deaths, there is an increased interval of time during which fluidity of blood may remain—up to twelve hours or thereabouts, but I would not be certain.

If the operation of draining the body of blood is begun before dismemberment, that would drain the body for the most part of the major portion of its blood?—But not of it in entirety: the body would be very appreciably drained of blood. I could not estimate what would be left behind.

It would, to face reality, be a practical impossibility to do operations of this kind on the landing or staircase of 2 Dalton Square?—Yes, I think it would be a very difficult matter.

In the case of death from asphyxia, whether by strangulation or otherwise, there is no blood to speak of at the time of death?—No effusion to speak of.

If, for example, somebody were strangled on the top landing of 2 Dalton Square, and died from strangulation, there would be no blood to speak of?—That is so, if that was the only injury to the body.

On Body No. 1 you found certain external wounds, the lacerated wound and the Y-shaped wound on the top of the head?—The Y-shaped wound and the lacerated wound represent the same injury.

You are not at all sure whether that was an ante-mortem or post-mortem wound?—I would not give an opinion myself.

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There was no sign of bruising round the wound?—No.

That is why I suggest it was certainly post-mortem for that reason?—Yes; but microscopically there was a circumstance that might have pointed the other way, but it was not present definitely enough, in my mind, to warrant an opinion the other way.

From that wound there would be no appreciable blood?—If it occurred post-mortem, no. If it occurred ante-mortem, there would be an appreciable effusion, but not a vast quantity.

The other two bruises on Body No. 1, on the left side of the jaw and the bruise below the left eye in the muscle of the cheek bone, were those ante-mortem in your view?—The one below the left eye, certainly. The one on the jaw I am a little doubtful about.

But from both those wounds there would be no appreciable blood?—There would be no external effusion at all of blood.

You do assign the cause of death in the case of Body No. 2 to asphyxia?—I say the signs are highly suggestive of asphyxia.

In the case of asphyxia, would the right cavity of the heart be filled with blood and soft clots?—Under normal conditions of an intact body I should expect to find that.

In this case that cavity of the heart is empty?—Yes, quite empty.

And the muscle is not engorged?—No, there is no definite engorgement of the muscle.

The lungs in Body No. 2 also show a roughening of the pleuræ?—No, only a number of small pin-point hæmorrhages, with slight roughening over the pleural surface which cover these points.

That roughening of the pleuræ is of the same nature and kind as is found in cases of pleurisy and pneumonia?—Not of the type we refer to. The roughening is exclusively confined to the covering of those small pin-point effusions of blood. It is not a generalized roughening at all. It is quite different from pleuritic conditions.

I understand this roughening of these petechial hæmorrhages is suggestive of asphyxia?—Only suggestive of asphyxia.

They are consistent with other conditions?—Yes, they are blood conditions.

In the case of the bruising on the arms of Body No. 1, have you any view as to how they could be caused by a blow?—I have no doubt but that they have been caused by the application of violence.

There are no marks of finger gripping?—I should not expect them to be present at the stage of our examination had they been present originally, because when bruises occur, after death, when putrefactive changes commence, the staining or colouring portion of the blood diffuses over the area and the original contours of the bruising are frequently lost.

You said that, having regard to your examination of the remains on 1st October and subsequent days, you concluded that death took place some ten to fourteen days previously. This is the most

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difficult thing in the world to estimate, is it not?—A very difficult matter.

You do not exclude the possibility that it might have been very much shorter?—I am inclined to the view that I originally expressed; probably about ten to fourteen days or thereby.

You mean somewhere round about, either way?—Yes.

In Body No. 2 the hyoid bone was fractured?—Yes.

There was no hæmorrhage round that, was there?—No.

With regard to the remains found on different days, there was no difference in putrefaction, was there, between that which was found on the 29th and 30th September, that found on 28th October, and that found on 4th November?—Yes, I should definitely say there was.

With regard to the left foot found on 28th October, did that appear to have been in water or not?—I would not say water. It seemed to have been in contact with moisture so far as the sole of the foot was concerned.

If the foot had been lying exposed for a month in all kinds of weather, there would have been distinctive marks affecting its appearance, marks which I suggest were absent?—There is a point arising out of that which I think should be advanced. When a body is mutilated, particularly shortly after death, and the body has been divorced of its blood, the intestinal tract, the stomach, and those parts of the body which are the breeding ground of the organisms that bring about putrefaction, then the severed parts may remain for very appreciable periods of time without showing a very advanced stage of putrefaction.

Did the left foot found on that occasion show no marked difference from the remains found on 29th and 30th September?—In my view, comparing that foot retrieved at that time when I saw it, which was a few days after it was officially handed over, there were more signs of the putrefactive process than in the feet of Body No. 1.

And, similarly, the right arm and forearm found on 4th November?—As compared with its neighbour I suggest there was a difference. In the case of the left hand of Body No. 1, the nails were quite firmly in position. In the instance of the right hand that was retrieved, they were lying loose in the package in which they were delivered. That, in itself, is conclusive evidence.

On this hand the top phalanx of the middle finger was missing?—Partially removed.

Did that hand not show signs of having been bitten by rodents?—We saw certain underminings of the margins of the skin. We did not attribute that to rodent bites, but to maggot activity.

But might that not have been the result of rodents as much as the emergence of maggots from the hand?—I have seen rodent bites on dead tissue quite a number of times, and I cannot say that

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the appearance in this case reminded me very closely of it. I could not say it was not, but I give you the view that was formed by us.

Amongst the soft parts you found a pair of breasts and a single breast?—Yes, they were not assigned to either body. The pair of breasts were more pendulous than the third.

The pendulous breast, in general, is indicative of maternity?—Yes, but I would like to qualify that point. I never regarded the pair of breasts as really definitely pendulous. They showed some degree of being pendulous as compared with the third.

From the third breast I understand that the nipple had been removed. If it were a lactating breast the nipple would reveal it?—Yes.

The removal of the nipple of the breast would remove all evidence if that breast were a lactating one or not?—No, not to the extent in which the nipple was removed in that instance: the coloured zone round the nipple, the areola, has been taken away.

If that were the breast of a person in pregnancy, the signs of pregnancy would be shown there amongst other places?—Yes, if the subject were sufficiently advanced in the stage of pregnancy.

Does that breast show sign of early pregnancy or not?—No.

In the case of the uterus you found you are not able to state whether that is one of a woman who has borne children or not?—I do not care to give an opinion.

That means that it might be the uterus of Body No. 2?—I would like to say that sections of the tissue taken from two separate sites of the body of the uterus show changes which suggest that it might have come from a subject round about middle life. It might be the uterus of Body No. 2.

Could it possibly be the uterus of Body No. 1?—It is possible, but I do not think as probable as the other alternative.

The uterus is clearly not the site of a recent pregnancy?—I found no indication of that.

If you are right, then the uterus of Body No. 1 is missing?—Yes, on that assumption.

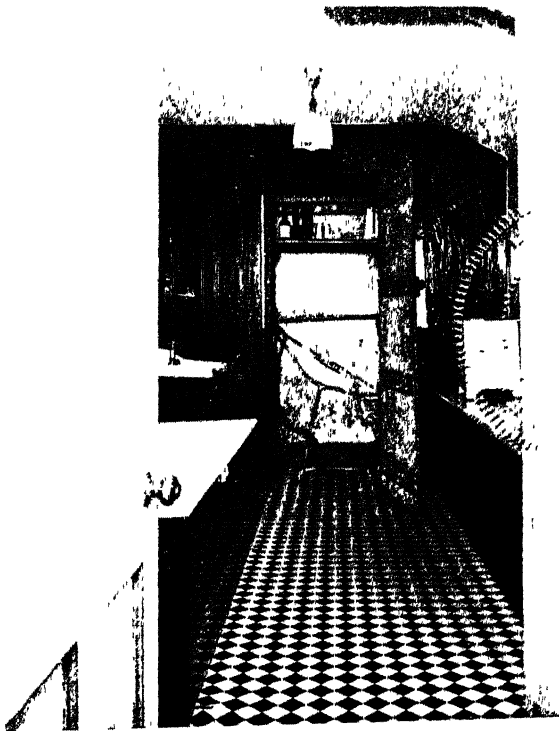
Of course, the uterus, of all the parts of the body, would reveal most certainly a pregnancy or not?—Yes.

Therefore, on the assumption that the nipple area has been removed and the uterus has been taken away, those two organs or portions of organs are organs that would reveal pregnancy if it existed?—Yes.

With regard to the bunion on the toe on the left foot of Body No. 2, is the condition which you found there not one which is perfectly common for millions of people, on their feet?—It is by no means an uncommon condition.

Then all that you are able to say is that there is no evidence now of what is called bursitis, and that, in your view, there is a





Photograph of the Interior of Bathroom, taken from Landing, showing Bath and Wash Basin on the left, Cupboard containing Cistern and Water Tank at opposite end to Camera, and Fixed Bench on right



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malformation which might be the site of a bunion in life?—Very possibly · highly possible, the seat of a bunion

You will agree that with millions of people the same thing is to be found?—I would not be quite so extravagant as millions; I would say in a number, of course.

Did you examine the blouse said to have been worn by Mary Rogerson?—It passed through my laboratory and I examined it; but the object of examination was to detect, or eliminate, the presence of any significant staining, and that particular blouse was never subjected to any tests. We did not find anything upon it to merit it.

Did you observe any marks of a lactating breast upon it at all?—I went over it carefully, as did Dr Millar and Dr. Martin.

By Mr. JUSTICE SINGLETON—If there had been signs of lactation in that blouse, would you have seen it?—The staining produced by lactation, which is colostrum, would probably be irregular and starchy to the feel, and microscopically might show identifying features.

Would it remain?—This blouse had been soaked, and when I first saw it at Moffat it was in a very wet condition and had been lying in the rain. Therefore anything might have been obliterated that was there originally.

*Cross-examination continued*—You did not make any tests?—No; merely a careful naked eye examination.

It is quite possible, is it not, for pregnancy to exist in fact, although the menstrual flow continues?—In the earlier stages such cases do occur.

The presence of the menstrual flow is no indication that early pregnancy is not there?—But it is distinctly unusual.

It does not, however, exclude the possibility of an early pregnancy?—No.

It is impossible, is it not, to distinguish between male blood and female blood?—There is no test in existence at the moment for that purpose. Many of us have been working for long periods very unsuccessfully.

You have been a very diligent worker in that field, and done a great deal of work upon the tests for blood, and also made your contribution to medical science upon the matter for students and colleagues to work upon?—Yes.

And it is also clear that there is no test to tell the age of blood?—That is also true.

And there is no known test which can distinguish or differentiate between uterine blood and the other blood in the body?—Well, menstrual blood may disclose elements which are very highly suggestive of its origin; but with an outflow of blood from a uterus,

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during or immediately following a pregnancy, I think it would be difficult.

The precipitin reaction is the best-known test at the present time?—For the detection of the origin of blood.

But if soap in any of its forms be present, that precipitin test is thereby vitiated?—The results become dangerous of interpretation for justice.

Put in words which may be familiar to you : the haze which soap brings is one of the facts which makes it difficult to be sure of the results?—Yes; I think that is my own wording.

First of all, with regard to the blood-stains in the house, have you considered that there had been a great deal of washing in the house with soap?—I have, yes.

We have had evidence of carpets having been soaked in the rain, and in one instance a witness threw twenty buckets of water over the carpet. Would that increase the area of staining on those carpets?—That would depend upon how the cleansing fluid was imposed upon the carpet. If we had a stain on a carpet and a bucket of water was poured carefully over that stain with the object of soaking it out the other side, it would probably extend to a slight extent, but not so much as if buckets of water were thrown indiscriminately over and near that site.

The tendency of stains to spread, or expand, would be manifest?—Yes, the moment the material became saturated with the fluid.

Such an operation would have the effect of making the stain on one side go to the reverse side?—Yes, it would.

So far as the precipitin test is concerned, would you be able to distinguish between blood in its neat form and blood that was diluted by water?—The answer to that is a little intricate. The specificity of this test is of a very delicate character. There seems no doubt whatever that under proper working conditions a positive result may be given in one part in 20,000, and, by using special technique, a 1-32nd of a drop of blood is sufficient when diluted in 20,000 parts of the fluid medium.

Does that mean that you can detect blood when it has, in fact, been diluted, but there is no difference in the nature of the blood in the test?—That is hardly right. Because if we make an extract from a stain and find that extract is rich and contains the colouring matter of blood, that is no use for the precipitin test. We want a clear solution, so we have to continue our dilutions until we get it clear.

Supposing on the banister rail, as an illustration, there are signs of blood, you, in many cases, have chipped off the varnish in order to carry out your careful chemical tests. It is impossible to say that the blood came directly from a hand or some other source?—Oh, we could not say that.

Directly from a hand or some other source; or was, in fact,

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blood which may have come from a cloth with which someone was wiping up blood from a floor with a bucket and it splashed there?—By the precipitin test, we could say it was human blood.

Could the blood which you saw upon the banister and rails have come from a bleeding hand?—Yes.

The stair eyelets only showed signs of human protein?—That is all.

Human protein means all sorts of things—bits of muscle, bits of skin, and bits of tissue?—Yes, the most common thing is the serum of blood.

Did you know that the whole of those stairs were cleaned on Sunday, 15th September, by scrubbing with soap and water?—No, I did not know that.

Assuming I am right, and I think I am, inevitably into those small stair-rod holders would come small pieces of soap or soapy substance?—On the external surfaces, very likely.

If that be so, then it would be impossible to speak with any certainty about human protein. It might, very likely, be soap?—Had the debris been taken from the exterior, yes; but the debris was taken from the interior of the stair-rod holders, and I, personally, unscrewed these eyelets before I took scrapings.

On the stairs you found no evidence of blood at all?—None. I tested about thirty or forty portions with the preliminary testing fluid and I could find no trace of blood on the stairs at all.

The stair eyelets were screwed flush with the floor and you unscrewed them to take them off?—Yes.

Then there could not possibly be blood on them as there was no blood on the staircase at all?—Scrapings were taken from the under surface of the screws when they were liberated with a screwdriver, and from the inner surfaces of the stair-rod holders. The scrapings were not taken from the exposed portions.

Do you know how long those eyelets had been upon the stairs?—No.

Do you know how many times the stairs had been scrubbed with soap and water?—I have no idea.

Are you able to say or not whether the scrapings you took off looked old?—I am not able to say, but I can say this, that if these particular sites on the stair had been subjected to the repeated washing over the period of time suggested, I would not have expected to get the test I got. There was no difficulty about the test, and there was no evidence of contamination, which was very carefully looked for.

What you got there was human protein?—Yes.

You got no reaction for blood?—We could not get any pigment reaction.

And is it clear that ordinary soap could produce the same

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reaction as human protein?—It could not have produced the same reaction which we obtained in this case.

By Mr. JUSTICE SINGLETON—What does that fact point to?—When there is a soap vitiation you cannot properly clear your solution, to which you are going to apply your test. The ordinary means prove ineffective as a rule. That would mean that on addition of the antiserum which is necessary for the test, the very moment soap is present this cloudiness would begin, and it would begin usually in the upper part of the tube. The normal reaction to the protein test is that it is not an instantaneous reaction. You may see some little haze commencing almost at once in the apex of the tube below, but it usually takes about twenty minutes at normal laboratory temperature to have the ordinary test produced.

You mean you would not have got that reaction if it had been soap?—It would have shown in a different way.

What can it be? What does human protein include?—Human protein, most commonly in locations of this character, takes the form of blood serum, and in giving an academic list of these substances one would have to include what we call pathological urine, urine the result of kidney disease and containing protein, as the result of seminal fluid from the body, certain portions of tissue from the body, bone, and under certain circumstances saliva.

It might be any one of these, and your tests did not enable you to go further?—No, I could go no further than human protein.

*Cross-examination continued*—If human protein could get into that place that you have described, then soap and water could also?—Yes, but water would evaporate.

Soap would not?—No

The smear on the outside of the bathroom door might have been caused in all sorts of ways?—I place no significance on that.

The inside of the door has got soda-water-bottle-like stains below and behind the handle. Could these stains have been caused by a man turning the handle of the door with a bleeding hand?—Quite readily.

Now, could the smears of indefinite shape on the top surface of the long seat opposite the bath in the bathroom have been caused by a person with blood on the hands who had sat on the seat and put their hands on it?—All the blood on the upper surface of that seat could have been caused in many simple ways—by the hand, yes.

Would the same observations apply to the board in front of the seat?—No, there we come to a totally different matter.

They have obviously run down from the edge of the seat above?—Yes.

From what you have said before, I gather that your view is that the blood you found on that front was blood which had trickled

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or run down from the bevelled edge down the front?—And from the general colour probably there was some dilution of that blood.

Supposing somebody washed the top with a cloth, the liquid from the washing cloth would cause that very thing, or at least might do so?—Yes, with one qualification: in that instance the amount of blood on the surface must have been a very different picture from the amount of blood that is on it to-day.

Assume for a moment that blood had been wiped up—a bucket, soap and water, and a floor cloth—and you are wiping blood—from whatever source—that has come from the top. You have your blood diluted by the water, but of course immensely increased in volume, have you not?—You have.

If that diluted substance runs down the bevel edge and down the front, then you can get all sorts of marks upon the front?—Yes, but you would not get the blood clot which was found between the joins of the board.

In due course the water in the blood, the diluted substance, would evaporate and leave the blood only?—Yes.

The clotting may mean merely that that was the first substance that ran from the top?—No, it means that there is fibrin present.

Of course, there may be many, many occasions when blood is spilled in a bathroom. For example, you could cut yourself shaving and there would be blood?—I should be amazed if I cut myself shaving and subsequently found on the side of the seat what I saw in this case.

I was not for a moment suggesting blood from shaving. There are many occasions when blood might be found in a bathroom, and I put the first that came to my mind. Another example might be when, during the menstrual flow, a girl or a woman uses the lavatory: in some cases the blood, at the onset of the period, is quite extensive and copious?—Yes, but I think that in the average home adequate precaution is taken against soiling.

There are, however, many occasions when there might be blood in a bathroom?—Yes.

You found a smeared stain on the bathroom floor linoleum?—There is very little blood on that, save on the rim that adjoins the bath. There are two areas on it, and then the large area of staining along the under edge.

You said you found human blood on the bath stop and chain?—I did. We found corpuscles of blood in the general scrapings taken from the darkened portions.

It is quite impossible to tell the age of them?—Quite impossible.

For all you know there may have been blood poured down the bath on many occasions in a doctor's house?—I am prepared to go further and say that a bleeding hand lifting the chain would be sufficient to account for it.

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The same observation would apply to the side panel of the washing basin?—I do not regard this as important.

Do you attach much importance to the linoleum pieces in the cupboard?—Yes.

The blood you found there on the underlapping part had seeped through or run through from the overlapping piece of linoleum?—Yes.

Supposing a blood-stained cloth was thrown there, would that produce it?—If a cloth was thrown in so saturated with undiluted blood as to permit of further escape of that blood, yes.

Supposing a blood-stained towel were thrown in there, would that produce it?—A blood-stained towel could not produce that unless it was so saturated with blood that when it was thrown there the blood was draining away from it.

Assuming for a moment that you had a blood-stained towel that in fact was seeped in blood so that it dripped from it and you threw it in, that obviously would account for it?—The point I was anxious to make is that if a blood-stained towel had been thrown into the cupboard it would have rested upon the patterned portion. This part we are looking at [indicating on Exhibit 155] is the under portion, under the overlap, and facing the board, and here we have a clot. Now the amount of blood draining from that towel must not only be considerable, but the blood coming from it must be capable of clotting. With a blood-saturated towel a great deal of the fibrin responsible for clotting is retained in the fabric and therefore that is one point which makes me disinclined to the view you suggest.

Supposing then it were a blood-stained handkerchief, for example: would that retain as much fibrin as a towel?—If my answer is not regarded as speculative, I think what would suit the circumstances better would be the placing of a blood-stained solid.

A solid instead of a handkerchief or a towel, or something like that—a bleeding limb?—I would not go as far as the bleeding limb. I would say any solid from which blood in liquid form may drain.

What did you have in your mind when you mentioned a bleeding solid?—So far the examples put to me have been saturated fabrics, which, in my view, would be calculated to retain the fibrin on which clotting depends; I therefore substituted the example by a solid from which blood is draining.

Taking it hypothetically, if a placenta, the afterbirth, had been put there, would that do it?—Very little blood comes from a placenta after it has come out of the body. I doubt it very much.

Is your answer about a bleeding solid exclusive of every other matter, or do you think it might have come from a blood-stained



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mop or cloth that had been used?—I am very unwilling to agree to the cloth theory for the reason that I have given, that I think the fibrin would be enmeshed in the fabric.

The observations I have made to you about the linoleum would apply also in the case of the floor boards underneath the linoleum?—Yes.

Could the marks on the skirting board against the wall at the back of the bath have been done with a blooded hand?—No, I think any watery solution of blood getting between the bath surface and the underledge of the wood could account for that.

Now the marble slab in front of the bath, shown in the photograph. That could be explained by somebody washing the bath and the material running down the side, could it not?—As I pointed out yesterday, the outer margin of the bath overlaps the outer surface of the bath slab. It eliminates, therefore, I think, direct dropping. This soiling fluid has come over the bevelled rim of the bath and run under the edge and down, for the simple reason that when I made my first examination at the house by means of magnifying glass and torch, the cement that protruded from that slab showed reddish stains. When the bath was dissembled the cement was sent and it gave positive reaction to human protein.

If a man were having a bath with a blooded hand, would that occasion it?—No, I do not think so.

A cloth cleaning the bath which had blood on it: that would occasion it, or might do so?—All I would like to say about the disposition of these stains is that in my view blood had run down in several places in stream form.

By Mr. JUSTICE SINGLETON—From where?—From near the top of the slab, in one instance for a distance of 11 inches, and six streaks were especially prominent.

Do you mean it has run from the top of the side of the bath?—It had given me the impression that either the fluid has come over that edge of the bath in more or less appreciable quantity—splashed over—or, alternatively, some of the material has been on this bevelled edge of the bath and has travelled downwards.

*Cross-examination continued*—It would be equally consistent with somebody cleaning the bath and resting the cleaning cloth on that selfsame edge?—If the cloth has been moved over various places and held.

If, for example, a cloth had been employed to clean the bath which had any blood in it, that cloth containing the water and the blood, deposited on the edge for any purpose, would produce those stains running down the front?—Except that the cleaner would be defeating her own object. I think the natural thing to do with a cloth containing sufficient blood to produce the con-

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dition I saw, would be to put it in clean water and wring it out, and then proceed with the next operation.

No doubt in your own sphere everything is done perfectly, but so far as charwomen are concerned, they are liable to human error, and it would not be an unthinkable thing that a charwoman washing the bath for some purpose and called downstairs, should deposit the cloth there. If that were done, then the dripping or running down on the front might be explained?—Yes, it would.

On the woodwork behind the lavatory seat there are eighty distinct and separate spots. They are very, very minute?—They are not large: they vary in size.

The lavatory is behind the door?—Immediately behind the door as you go in.

And the geyser is at the farther end?—It is on the left of the closet, at the tap end of the bath.

A man with a blooded hand turning on the geyser and getting water upon it—a spray—might easily produce those eighty spots?—Or more likely the turning on of the tap is a better level for it.

It does seem remarkable at first sight that there should be 80?—Very suggestive of a small spurting artery.

Is it not suggestive of something in the nature of a spraying from a tap that has occasioned the eighty separate spots—a man with a blooded hand turning the tap in that position would produce these spots which you saw?—No, I think a small brisk arterial hæmorrhage.

From a hand?—Yes.

The chamber-pot was the only spot of blood in Mary Rogerson's room?—The only blood-stained article. I went over the house.

May these stains be menstrual?—Very suggestive.

Now with regard to the suit, you will agree that it is an old one in the sense that it has had a good deal of wear?—Yes.

The little cuts I understand are the patches you took out for your tests. Are there different colourings in the blood-stains upon that suit?—Yes, some are deeper in colour than others.

Does that indicate to you that that is blood deposited at different times?—No, it indicates to my mind blood in varying stages of density.

And is the blood distributed over the front of the coat?—Yes.

Over the lapels of the coat, and, indeed, the collar of the coat?—Not the back of the collar.

Was there blood on that lapel [indicating]?—As a matter of fact the whole of that jacket, as I have seen it yesterday and to-day, shows very much less aggressive staining than it did when it was in my laboratories for examination—I presume because of the tremendous handling and transit it has had.

But it is right, is it not, that upon one lapel of the coat

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the blood is more than on the other?—Yes, the left lapel is the only lapel that has staining on it.

Can you say anything about the configuration of the stains upon that coat in general?—Yes, there is smeared and, in a few instances, droplet formation.

Let me put first of all an anæsthetist at a dental operation. His main concern is the patient's life under the anæsthesia, but he looks after the gag that is put in the throat to prevent things going down?—Yes, so far as the anæsthetic side of the operation is concerned

He has also to be quite close to the patient's face?—Only to induce the anæsthesia.

And is it your experience that they assist in holding the head and matters of that kind?—Yes.

In such an operation, blood, quite naturally, might come upon the suit if it was unprotected by a white overall?—I would like to pause at that point. There is no arterial spurting of blood in dental work.

There is spitting of blood?—There is spitting of blood, provided the patient is sufficiently conscious for a voluntary act, but he would not be putting in a gag if there was spitting at the same time

No, but there are many examples. A patient recovering from the anæsthetic very frequently does cough and spit?—Yes

And if the anæsthetist was near, he is liable to get some blood upon his coat?—Yes, if that happened

Similarly, in an operation which a doctor conducts, circumcision and matters of that kind, unless you wear a protective overall you are liable to get spotting upon your coat, and the spotting of blood upon that coat is, for the most part, at the front?—So far as the jacket is concerned, yes.

You cannot say, of course, that all the stains upon that coat came at one and the same time?—Quite.

And all the probabilities are against it, are they not?—Save this, that I could not conceive of a practitioner taking part in operative cases with a suit in the condition in which I saw it. It would be a potential source of infection in itself.

In the markings on the trousers, is it right to say that the stains are of different colours?—Yes, because of different degrees of density and saturation in my view.

But you do not deny the possibility that the difference in colour may indicate age?—No, I would not care to deny that.

In an operation for circumcision, is it customary for the child to be upon the doctor's knee when that operation is done sometimes?—It depends upon the technique of the doctor. I have never seen it done that way myself.

Assuming that it were done thus, would there be a considerable

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amount of blood in such circumstances?—I am afraid I do not quite see how the under surface of the turn-up of the trousers could be affected.

Do not trouble about that for the moment. In the first place, would there be a considerable quantity of blood?—If no precaution were taken to hold a dish or protection under the site of operation, yes.

And of course if no precautions were taken, that would result further in a staining of the trousers with blood?—And would be a very amazing procedure.

It would be a possible source?—Yes.

By Mr. JUSTICE SINGLETON—Is it possible to conceive a doctor in practice regularly going on doing operations of that sort without any covering or any protection and, if he did, going on wearing the same suit?—Well, I have never come across a case.

*Cross-examination continued*—A concluding word about the carpets. You yourself did not know where the particular carpets were in that house?—No.

In Exhibit 37 [produced] there were nine mammalian and six human bloodstains in your finding on that carpet?—Yes

Would it affect your view at all if, for example, that was the carpet upon which twenty buckets of water had been thrown before your examination?—No, it would not, because if there was sufficient blood upon that carpet to merit a lay person putting twenty buckets of water upon it, the blood must have been very appreciable, and it would succeed in soaking the blood into the carpet.

Is the blood soaked through the carpet or not?—Yes, in certain cases it is, through to the reverse side.

Exhibit 40 consists of the five stair pads. You are not able to tell us under which carpet those stair pads were?—No.

There is no portion on any carpet, is there, which you have seen which corresponds with those stair pads?—I would not agree to that.

The form of the stain on the carpet and the form of the stains on the stair pads do not coincide?—That would be the last thing I would expect.

Now manifestly it is the tread parts of the carpet under which the pads go?—One would expect that.

So far as the tread parts of the carpets you have seen are concerned, they are pretty well free from blood?—Several of these areas I have pointed out are in relation to the tread parts.

But the stains bear no relation whatever to the staining underneath?—I cannot say. I do not know where the pads were. My position is difficult, because on both my visits at Dalton Square there was not a carpet on the stair or landings.

Might a good deal of the blood upon the carpets come from

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a man going downstairs with a hand which was bleeding profusely?—I think that is most unlikely.

It would account for a good many of the blood-stains on the carpet, would it not?—Are we talking of the carpet as opposed to the stair pads?

Yes. The blood you saw on the carpets might be accounted for by the blood from the hand of a man who was bleeding profusely?—Yes, it is possible.

With regard to the stair pads. I understand you to say that that would not be the case?—No, I could not agree to the suggestion in that instance.

Assume for the moment that in 1932 Mrs. Ruxton had a fall upon the staircase which brought about the sudden birth of a full-time child: had an accident on the stairs. Would, or could, the blood from such an accident, or is it a medical possibility that a good deal of blood would come from such an accident as that?—My difficulty is this, that if a woman falls accidentally on the stairs when she is in a pregnant condition, it is not to be expected that the birth will commence forthwith on the spot where the accident befell her. It may initiate the process of labour, which may follow some period later, but the occurrence of the accident would not be calculated to bring on the abortion where she fell.

You are quite right to say that, but would you assume that there was an accident of that nature which did bring about considerable bleeding?—The bleeding parts then would need to have been separately in contact with the five steps on which the pads were placed. There is no connexion between one pad and another, and if the blood had dripped from one step to another there would have been connecting links.

But a woman, if she was being assisted, might bleed from step to step?—I should think if assistance were at hand they must have taken an extraordinarily long time to get her up such a short flight of steps.

But so far as the blood on the pads is concerned, for all you know it may be 1932 blood and not of later date?—With one exception. I took the liberty of putting up controls within my laboratory on a dense pad of gauze such as is used for operation, one taken from a case during operation and one taken from a post-mortem examination. These were put aside and dated, and were kept for the same period of time as the interval intervening between my first examination of these exhibits and the time these exhibits had lain. I contrasted the time factor in the extraction of both these gauze pads taken under these conditions as with the felts, and I found there was no appreciable difference in getting the blood out. Alternatively, if I may give it, I have in the laboratory controls of old bloods on various fabrics, woods, and

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leathers, dated and kept for various periods over years, and I know that as the age increases and with it the fixation, the extracting period has to be prolonged, in some cases up to thirty-six hours.

With regard to the age of that blood, there is no secure test in which you could, as a result, make a positive statement about it; you can only deal with probabilities?—There is no secure test, but if I were asked this in a civil case and not one of this gravity, I would give the opinion I have just expressed that I do not find anything in the fixation of those stains to force me to the opinion that they were very old.

Did you at any time hold the view that the remains that were found in the ravine at Moffat were those of a man and a woman?—Yes, quite definitely.

And that view, you possibly know, was published?—I believe so. Had the bodies been assembled then?—No

What date was that?—We first of all thought that Head No 2 was a male, on 1st October, in Moffat. We continued in that belief until, I think, the 10th. On 11th October we had pretty well satisfied ourselves to this extent, that taking the sexual characteristics of the head and the limbs of Body No 2 we were probably dealing with a female, and may I add that even up to the present date, with all the investigations which have taken place, that view has never been altered.

There was a stage when you entertained positive doubt, that is to say you were of the opinion that one was a male and one was a female?—More than one stage, I must confess quite openly.

Re-examined by Mr. JACKSON—You have told us that probably it wanted at least two knives to have done this cutting up. Are there such things as slip-on knives?—There are

Is that a handle into which you can fit a number of blades, so that you can keep changing a blade as it gets blunt?—That is so.

Is that a well-known sort of knife for a surgeon?—Yes.

Would putting the body, or portions of the body, into water assist or not in the draining of the body of blood?—It would assist.

It has been mentioned that there was no blood in the right side of the heart. Would you expect to find blood there if the body had been drained of blood after death?—No, nor having regard to the dissection locally that had been made in the tissues.

You were asked whether you could tell by the precipitin test for blood how those stains were likely to come on the stairs and stair rods. Can you tell by any other thing that was there: does the shape indicate anything?—Yes, the number of the stains and the shape gave in my view a definite indication of forcible contact of the fluid with the surfaces on which they were found.

By Mr. JUSTICE SINGLETON—You said yesterday that your view

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with regard to the time which would be taken by a person with anatomical knowledge to cut up Body No 2 and reduce it into the condition in which it was found, was that five hours was the minimum?—Yes.

I gather that on Body No 1 there is more flesh remaining than on Body No 2 in so far as you have the comparable parts?—Yes

Also, you said that in both cases the draining of the blood from the body and the disarticulation must have taken place within a few hours of death?—That was my view

If the two deaths were caused by the same person, one must have been before the other obviously?—Yes.

Assuming death is caused about the same time in the two cases, and supposing one body had been left while the other was disarticulated, would the blood remain fluid?—Yes, I think that is quite possible. Blood may remain fluid post-mortem up to twelve hours, and more especially if it should be in a given case that the cause of death is asphyxia. I think it is generally accepted that the fluid state of the blood remains for a longer period if asphyxia is the cause of death.

You mentioned the widespread injuries to the head of Body No 1, and from what you said I understood you to say that some part of the injuries might have been caused in an effort to remove traces of some blow?—That was directed to the area behind the wound—a separate sliced area.

I think you said there were two wounds on the head of Body No. 1 which might have caused unconsciousness?—Two fractures of the skull.

In answering Mr. Birkett about the head, you used this expression, if I took it down correctly: The head is one of the parts that gives difficulty, and what one has to watch against is injury. What did you mean by that precisely?—The mobility of the head when performing dissection post-mortem and of movement during disarticulation. It was in answer to Mr. Birkett's question as to the effect of the second wound—if it had been an attempt to remove the lacerated wound was it not a very amateurish attempt?—and I explained that might have been due to the slipping of the head.

You mean you may have a slipping of the head at the same time?—Yes, if the skin tissues have already been removed over a part of the head that is being held, or if the hand is in a wet condition.

Dr. WILLIAM GILBERT MILLAR, examined by Mr. MAXWELL FYFE—  
—I am a registered medical practitioner and a Lecturer in Pathology at the University of Edinburgh, and Pathologist to the Royal Infirmary at Edinburgh.\* I have been associated with Professor

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\* See Appendices III and VIII for reports on medical examinations made by Dr. W. G. Millar.

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Dr. William G. Millar

Glaister in the examinations he has made and I have heard him give his evidence. I agree with the descriptions and findings which he has given. I have also attended and seen the remains shown to the various persons concerned for the defence who wished to view them.

On 29th October did you receive from Inspector Strath at Edinburgh a left foot shown in Exhibit 142?†—Yes.

We have heard that certain portions of the foot had been removed. What was the position with regard to the big toe?—The end joint had been removed, the skin and the underlying tissues immediately below the skin had been removed from the region of the ball of the great toe; the tissues had been removed down to the bone, exposing the joint cavity between the ball of the great toe and the next bone.

Did you examine the bone that was left in the joint of the toe that was cut off?—So far as one could see from what was there.

I understand that you had the opportunity of examining the radiograph which was taken by Dr. Godfrey. What opinion did you form as to whether there was infection at that spot?—I could form no opinion as to whether infection was present, but there was some degree of deformity of the bone such as is commonly found in cases where there has been a bunion for some considerable time.

I think some of the other toes had been disarticulated also?—Yes.

To what body did you attribute that foot?—I attributed it to Body No. 2.

On 5th November did you receive from Inspector Strath a right forearm and hand, Exhibit 138†?—I did. There were no nails on the hand as I received it—the nails were in the package.

What was the state of the first portion of the thumb?—The first portion, that is to say the one nearest the hand, was denuded of flesh. The middle finger was also partially denuded of flesh, and the end of it had been removed.

Can you say how it had been removed, or what sort of thing had been used in removing it?—The point, I think, was that it had not been removed at the joint; the end bone had been cut through. The actual instrument one would have used would be a bone forceps, or possibly a pair of cutting pliers.

I think you were specially engaged in the investigation of certain debris?—Yes.

Exhibit 167 is: Debris retrieved from drain at bottom of outer back door. Did you examine portions of it microscopically and serologically?—I did.\*

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† See Appendix II for details of photographs of remains.

\* See Appendix VIII for microscopic report by Dr. Millar.



# Evidence for Prosecution.

Dr William G. Millar

What does it disclose?—It discloses human fatty tissue.

Did you examine similarly a second sample of debris, Exhibit 168 [handed]?—I did. That is a second sample of debris retrieved from trap at back door.

What was the result of your test there?—The tissue I examined was again human tissue. The exact nature of it is not very clear, but when I examined it, it consisted of connective tissue with some epithelial glandular tissue.

By Mr. JUSTICE SINGLETON—Would you put that into more simple language for the jury? In the first place, what does human fatty tissue cover?—Any of what are known as human fats.

Does it cover something other than flesh?—Other than muscle.

Will you tell the jury what you think human fatty tissue is?—It is tissue lying immediately under the skin which has increased in fatness.

*Examination continued*—What was the other thing you found in your test—how is that distinguished from the fatty tissue?—The arrangement of the component parts was similar to those structures known as glands that secrete, for example, the saliva.

You might call them glandular tissue?—Yes.

Did you also examine the debris of which Exhibit 169 is a sample [handed]?—I did. That is solid matter retrieved from second trap at back door. This I submitted to a serological examination, and it disclosed the presence of human protein.

Did you also examine debris from the waste pipe of the bath, Exhibit 170 [handed]?—I did. There was a mass of hair, fairly long hair, tangled up, and among it was some definite fatty tissue which serologically was proved to be human tissue.

In this carpet, Exhibit 42 [produced], did you find an area which had an adherent portion of debris?—I did: it was about the size of a sixpence and brown in colour. I examined this microscopically and serologically, and it seemed to be mainly human fatty tissue; there was a certain amount of red blood cells in it.

You took Photographs 26 and 27 of Exhibit 143,\* the ones which were not spoken to by the witness Stobie?—I did.

Cross-examined by Mr. NORMAN BIRKETT—The evidence which you have given about the toe of the left foot comes to this, does it not, that what you found was in your view a bone deformity such as is common where a bunion has existed during life?—That is so.

You saw no evidence of any infective process or anything of that kind—it was the deformity of the bone?—That is right.

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\* See Appendix II for details of photographs of remains.

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That deformity of the bone is a perfectly common thing?—Certainly.

Now in the matter of the right forearm and hand which you received on 5th November, does Photograph 46 in Exhibit 138 show the thumb to which you referred as having had a portion removed from it?—Yes. Flesh has been removed from the first bone of the thumb, and the end of the middle finger has been removed.

Did that hand show extensive decomposition or not?—Considerable decomposition.

Did you compare that hand with other portions of Body No. 1 found on 29th and 30th September?—I did.

I suggest that there was no real difference between the remains found on 29th and 30th September and that right forearm so far as putrefaction was concerned?—I do not agree.

Do you agree that in the photograph of the left hand of Body No. 1 before the Court there would appear to be a ring mark [handed photograph]?—I see a more or less horizontal mark there [indicating], but that is not my explanation of the mark. I do not think it is a ring mark.

I suggest that apart from the photograph, that ring mark is clearly to be observed on the hand itself?—I was unable to detect any sign of a ring mark.

Whether it was a ring mark or not, did you find a mark upon that finger?—I observed no special mark there.

Would you normally expect to find in the drains at a doctor's house debris which had fatty tissue in it?—I should think it was quite possible.

The second sample of debris from drain, Exhibit 168, is said to come from Exhibit 202 and is therefore from the trap at the foot of the steps, and that drain leads directly into the trap from the consulting-room. Under such circumstances debris taken from that trap might quite conceivably in the ordinary way contain human fatty tissue?—Yes.

You said that you were unable to say the exact nature of Exhibit 168?—I would not like to venture an opinion.

I rather gathered that that was said to be of human tissue, but that the exact nature of it was impossible to say?—Yes.

Might it be a portion of placenta, the afterbirth?—I do not think so.

It more accords with that than any other piece of human tissue?—In the circumstances of its very badly preserved state, I would hesitate to express an opinion one way or the other. I am prepared to admit that it may be placenta.

In the gullies and traps in this case you could never be sure that soap had not been present in large quantities?—I have no doubt that soap was present in large quantities, but I might

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Dr. William G. Millar

explain that the tissue was very carefully washed before making the suspension.

With regard to the debris from the bath plug: that is where the water goes from the bath?—That is to the best of my recollection from a trap leading from the bath.

And in this debris was there much long hair or just a few strands of it?—No, there was a fair quantity. It was intermingled with dirt and debris, and I cannot say it was all human hair.

By Mr. JUSTICE SINGLETON—Would the combination of hair and human fatty tissue down a bath pipe be unusual?—One would hardly expect the fatty tissue to be there, but in the circumstances of a doctor's house I think it would be quite possible.

Would it be more likely to be found in a doctor's bathroom than in anybody else's?—I think it might be.

Perhaps he would do some portion of his work up there, or clean himself up there?—Yes.

*Cross-examination continued*—I understand that on that carpet, Exhibit 42, you found a piece of debris the size of a sixpence which was composed of human fatty tissue, and that that is all you found after careful examination of the whole square?—That is all the debris.

It is impossible to designate what that human fatty tissue was or is, and the best you can do is to say that it is human fatty tissue?—Yes.

Professor JAMES COUPER BRASH, examined by Mr. JACKSON—I am a registered medical practitioner and Professor of Anatomy at the University of Edinburgh. On 10th October, 1935, and subsequent dates I carried out an examination of the portions of two bodies shown in the photographs included in Exhibits 135 to 143 inclusive.\* I first saw the remains on the day that the boxes were opened in the Anatomy Department at Edinburgh University: the boxes contained all the remains moved from Moffat which had been found in the ravine.

Amongst the portions of bodies and limbs which were found, was there also found something which has been described as a cyclops eye?—Yes, I examined that eye.

That, it has been suggested, is the eye of some monstrosity which, I understand it is suggested, was born to Mary Roger-son?—

Mr. JUSTICE SINGLETON—I have not heard that suggestion yet.

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\* See Appendix II for details of photographs of remains.

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Professor J. C. Brash

Mr. NORMAN BIRKETT—With deference, your lordship heard how I put the matter this morning.

*Examination continued*—Was that in your opinion the eye of a human being at all?—No, I did not think it was human.

If it had been the eye of a human being, at what stage must it have been born?—I did not think it was human. From the size of it, if it were human, it would have been the eye of a monstrous foetus.

Can you say what age of foetus?—That I could not precisely say.

Would it be a two or three months' foetus?—No.

By Mr. JUSTICE SINGLETON—Do you judge that from the size?—Yes.

Assuming it to have been human, do you mean that it would have been almost full time?—Yes.

What did you think it was?—I formed the impression at the time that it was an animal specimen.

*Examination continued*—Have you taken a specimen eye of any animal to compare with it?—Yes, a pig.

What conclusion have you formed?—An examination of that eye confirmed my original opinion that it might be the eye of a pig.

Was there anything which gave you any idea as to where it might have come from?—

Mr. JUSTICE SINGLETON—I do not know whether you need to continue questions on that. He has said that he thinks it was animal. I gather it is amongst a number of pieces of flesh of one kind or another found in a gully somewhere at some time. It may be a lot of things. Do you want to go farther into it?

Mr. JACKSON—I did want to go one step farther. It may become of importance or I should not ask it.

*Examination continued*—Could you form any opinion at all as to where it had come from?—I could not form an opinion as to where it had come from, but I formed an opinion as to its condition. It appeared to me not to be in the same state of preservation as the other remains when I saw them.\*

From the portions of bodies that were there and from the limbs, have you reassembled, as far as possible, two bodies?—Yes.†

\* Mr Justice Singleton in his summing up took the view that the cyclops eye was probably of local origin and therefore had nothing to do with the case. If questioned further the witness might have stated that in his opinion the eye was *better* preserved than the rest of the remains, and this might have led to a possible explanation of the origin of the specimen and its presence amongst those remains—Ed.

† See Appendix V for "Anatomical Report" by Professor J. C. Brash.

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How did you fit them together?—I sorted them out to begin with in pairs of limbs, and formed an opinion about the number of bodies they probably represented. I found no evidence to show the presence of more than two bodies

The heads had been severed, we know, through the vertebræ?—Yes, by cutting through the vertebræ of the neck.

Were you able to fit the vertebræ attached to one of the heads on to the vertebræ left in a body that was found?—To the vertebræ left attached to a trunk, yes.

MR. JUSTICE SINGLETON—Ask him to explain to the jury what he did.

*Examination continued*—Just explain what you did?—Having satisfied myself that not more than two bodies were represented amongst these remains, I proceeded to assemble the trunk portions together. First, I placed together the upper portion of the trunk which contained the whole of the skeleton of the chest with the lower part of the trunk which contained the skeleton of the pelvis or basin. These two came together in the lumbar region, and there were two of the five lumbar vertebræ attached to the upper part of the trunk and three to the lower part. I found that they articulated together perfectly. A number of points of detail could be mentioned to prove that in addition to the fitting of them perfectly together—

MR. JUSTICE SINGLETON—I am only anxious we do not ask the jury to listen to every little bit if they fitted perfectly. It is subject to cross-examination.

THE WITNESS—In addition to the fitting of them perfectly together there were certain broken parts. There was a broken part attached to each side of the junction, and each of these broken parts fitted perfectly the broken surfaces on the other piece.

*Examination continued*—You fitted the skulls to the frames?—I fitted one of the heads to the trunk, the head we call No. 2. On that head there were left five of the neck or cervical vertebræ. On the other head there were four, and a small piece of the fifth. On the upper portion of the trunk there were two of the neck vertebræ left. The total number of neck vertebræ is seven. It was therefore probable that the head with five would fit, and I found that it fitted perfectly. There are many details to prove that is so.

Having assembled them in that way, did you have them photographed?—The assembly, with all respect, is not complete yet. We have not dealt with the limbs. We have a trunk with a head and the chest and abdomen parts of the skeleton. I then fitted to that trunk certain of the limbs. The limbs were already sorted

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into pairs which corresponded with one another, a longer set of limbs and a shorter set of limbs, consistent in themselves, and the two sides being consistent. I found that the longer set of limbs fitted the trunk; the heads of the longer femora, that is the thigh bones, were a perfect fit to the hip sockets, and similarly I fitted the heads of the arm bones in the shoulder joints, and the other joints had also been fitted together at the elbows and the knees.

By Mr. JUSTICE SINGLETON—That is of Body No. 2?—Yes.

You got a perfect result there so far as you had the parts?—That is my opinion.

Did you do the same generally with Body No. 1 as far as you had the parts?—No, Body No. 1 is constituted of those parts left over after Body No. 2 had been assembled, because there is no trunk.

I said as far as you had the parts. You could not do it all because you had not got the middle part?—That is so.

*Examination continued*—What was there of Body No. 1?—That consisted of the head and the limbs, as shown in the photograph No. 7, Exhibit 177. These photographs were taken under my supervision. No. 7 shows the skull, the two upper portions of the arms and the two forearms with the hands, two thighs and two legs with the feet. Where I fixed the upper portions of the arms into the lower portions at the elbow joints, they articulated perfectly. This was also the case where the thigh bones and the bones of the lower leg were joined together.

Photograph No. 8 in Exhibit 177 shows the assembly of Body No. 2?—Yes. There we have the limbs complete except the right foot. All the joints articulate perfectly.

By Mr. JUSTICE SINGLETON—Over and above that which is shown in these two photographs, I gather there are something like 43 pieces of flesh, soft matter, which cannot be put definitely to either body?—I did not examine them in detail from that point of view. It was the parts containing bones I dealt with to reconstruct the skeletons.

*Examination continued*—Did you form an opinion with regard to the sex of these two bodies?—I did.

I will not ask you on what basis. I will leave that for cross-examination. What sex?—Both of them female.

Did you form an opinion as to the height of those two persons?—Yes. I calculated that the probable living stature of Body No. 1 lay between 4 feet 10 inches and 4 feet 11½ inches.

And what was the age of that one in your opinion?—I can only give it within a range, but in my opinion the age of Body No. 1

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was certainly not less than eighteen and certainly not more than twenty-five.

Can you tell us the height and age, approximately, of Body No. 2?—Body No. 2 is certainly older than Body No. 1, but I cannot state the probable age within such a narrow range. It is certainly over thirty years of age and certainly under fifty-five. The height of the body measured from reconstruction, was about 5 feet  $4\frac{1}{4}$  inches.\*

Is that the best you can help us with regard to the age of Body No. 2?—No, I can give an opinion a little closer. I have given the extreme range. My opinion on the balance of all the evidence available about the age of Body No. 2 is that it lay within the decade between thirty-five and forty-five.

Did you make a cast of the left foot of each of these bodies?—I did.† I did not make them personally, but they were made under my supervision. The cast made in the case of Body No. 1, was the cast taken on the foot as it was found, except just for the skin.

Would the missing skin make any difference at all?—No appreciable difference; it was only the surface skin

After these casts were made, did you attempt to fit them into certain shoes? [Exhibits 120 and 84 produced]—I did. This is a cast of the left foot of Body No. 1.

What exhibit is that?—It has not been put in before [marked Exhibit 212].

Did you fit it into the shoe Exhibit 84?—I have tried each of the casts in both these shoes. I found that the left foot of Body No. 1 is much too small to fit into *this* shoe, Exhibit 120, but that it fits *this* shoe, Exhibit 84 [demonstrating].

By Mr. JUSTICE SINGLETON—Do you think this is a pretty accurate cast?—Very accurate.

There was some damage to the foot?—No, no damage to that foot except the surface skin peeling off in places.

Mr. JUSTICE SINGLETON—I think you ought to see that, members of the jury.

Mr. JACKSON—If your lordship remembers, Exhibit 84 was identified by Mrs. Oxley.

Mr. JUSTICE SINGLETON—Yes, Exhibit 84 was spoken to by Mrs. Oxley as being Mary Rogerson's black shoes.

*Examination continued*—Was the foot of Body No. 2 lacerated at all?—Yes, it was. There was removal of the skin over the big

\* See Appendix V, p. 418.

† See Appendix VI for "Report on Special Investigations of Features that may assist in Identification" by Professor J. C. Brash.

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toe, and the separation of certain joints of the toes. In addition to that there was a gash across the sole of the foot. I had to make it hold together by putting some clay in the gash. This is the cast of the left foot of Body No. 2.

That will be Exhibit 213. Did you fit that cast to a shoe, Exhibit 120?—Yes. The cast of this foot is minus the toes which have gone. Might I have the other shoe first?

That is the one that is proved to be Mary Rogerson's shoe. Does it fit that at all?—It is possible, with this cast as it is, without the toes, to force the cast into the shoe.

By Mr. JUSTICE SINGLETON—It does not fit?—If the toes were present it could not go in. It does not fit.

*Examination continued*—Exhibit 120 is a pair of brown shoes sworn to by Mrs. Curwen as belonging to Mrs. Ruxton?—In my opinion the cast of the left foot of Body No. 2 fits *this* shoe [demonstrating].

Mr. JUSTICE SINGLETON—Mrs. Ruxton's brown shoes. The cast you make an exhibit again—213. It fits Exhibit 120.

*Examination continued*—Now was there a photograph of Mrs. Ruxton marked A, Exhibits 172, 174, 175 and 176?—

Mr. NORMAN BIRKETT—Perhaps it would be a convenient moment to raise an objection which I indicated before that I might raise upon this matter. My lord, my learned friend is now leading to the matter of the superimposed photographs,\* and I submit that the evidence ought not to be allowed

Mr. JUSTICE SINGLETON—I looked last night at some of the photographs and I confess they did not convey a great deal to me, but I am not sure at the moment to what the objection goes

Mr. NORMAN BIRKETT—It is difficult to put it on an exact legal basis of objecting to its admissibility, but I would put it in this way. It is constructed evidence which is so liable to error, in view of the admission of the photographer that it is impossible to get an exact life-size photograph; approximate is the best that can be done; and in such a matter, where the purpose of the evidence is to show exactitude, I would have submitted that the nature of the evidence was such that in a charge of this kind it ought not to be permitted.

Mr. JUSTICE SINGLETON—I gather that it is the superimposition of one photograph upon another in some form. Having looked at

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\* See Appendix VI for "Report on Special Investigations of Features that may assist in Identification" by Professor J. C. Brash.



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some of the photographs I find myself in great difficulty in judging as to its importance either way. Before dealing with your objection I would like to ask Professor Brash a question.

By Mr. JUSTICE SINGLETON—I gather that for the purpose of carrying your investigations farther you carried out some superimposition of one photograph upon another?—That is so.

Have you done that sort of thing before?—There is a great deal of literature on the subject which I have followed.

Do you think it may be useful to one side or the other in demonstrating one point or another in this case?—I think they do demonstrate a certain point without any doubt. The value of it is not for me to say.

You think they may help towards arriving at a conclusion?—Certainly.

By somebody who is skilled in putting them together?—Certainly.

Mr JUSTICE SINGLETON—I do not feel able to exclude the evidence on that. I am sure the jury will bear in mind what Mr. Norman Birkett and Professor Brash have said, and that there is always, or may be, a liability to error; you may get a false value from a photograph at any time, and you may get a doubly false value if one photograph is superimposed on another. On the other hand, it may be of use in some way.

Mr. NORMAN BIRKETT—The objection really went to the weight of the evidence and not to the admissibility.

*Examination continued*—Exhibits 172 to 176—two photographs of Mrs. Ruxton and two of Mary Rogerson. Did you put certain lines on them?—I did. The lines on these enlarged photographs are, in the first place, the outlining of the salient points in indian ink. They are not on the photographic copies. [Illustration p. 184.]

Tell us what the photographs in Exhibit 179 are, and the purpose for which they are done? [Book of photographic copies of Exhibit 179 handed to jury]—In this exhibit there are two skull photographs, one of Skull No 1 and one of Skull No 2. These are photographs of the two skulls as I cleaned them and prepared them for photography. These two skulls are oriented, that is, placed in the same position, as near as I could determine, as the head of Mrs. Ruxton in photograph A, and they are so labelled. I then outlined these skull photographs, and I have here the original copies with the actual lines upon them.

By Mr. JUSTICE SINGLETON—One of each?—Yes, each skull was placed in the position of the photograph of Mrs. Ruxton—the one wearing the tiara. I then transferred the outlines of each of the two skulls separately to the same paper as the outline made on the

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original portrait. I have the original tracings in this book, and the others are copies. Then, finally, there is a copy of the original portrait, a copy of the skull negative, and the last is these two put together. I found in dealing with the tracings, that the tracing of Skull No. 1 would not in any way fit the tracing of Photograph A, but I found that the tracing of Skull No. 2 would fit it; that is on the right-hand side of *that* page [demonstrating]. The last series with regard to photograph A show a positive copy of the enlargement of the head, a negative print of the photograph of the Skull No 2; and the third is the two put together to demonstrate the fitting of the skull to the portrait.

When you put them together, which do you put on which?—That does not matter: they were both done on transparent X-ray film.

What is the whitish blur on the photograph? Is it just the edge of the skull running down on the right?—The skull is shown as a negative on this picture and the head as a positive. If they both had been negatives or positives the relation of the two would not have been observable. The only other point I have not mentioned is that the bringing together of these two photographs was done by putting registration marks on the superimposed tracing.

That is the means of getting them together, is it?—The means of getting them together: and the same process was followed with photograph B, [a profile of Mrs. Ruxton] which comes in the same book, and with the other two photographs, of Miss Rogerson, which are in the other book.

*Examination continued*—We will come to that in a moment. This is followed by the other photograph of Mrs. Ruxton, doing the same thing with the skull and superimposing again, so that you get the same result?—Yes.

What conclusions do you draw from what you have done and the results you obtained?—In my opinion these demonstrate conclusively, in the first place, that Skull No. 1 could not possibly be the skull of Mrs. Ruxton.

By Mr. JUSTICE SINGLETON—That is clear: they may demonstrate that something is not something else, but do they demonstrate more than that?—They also demonstrate, in my opinion, that Skull No. 2 might be the skull of Mrs. Ruxton.

One reason that made me doubt their use, even on these pictures, was that from your deposition and from what you say now, you are not prepared to say they do more than show that the skull might be that of Mrs. Ruxton?—That is so.

Nobody could judge perfectly?—Yes.

That is what I thought, that in view of the other evidence this did not carry it farther. It might be that it is very excellent

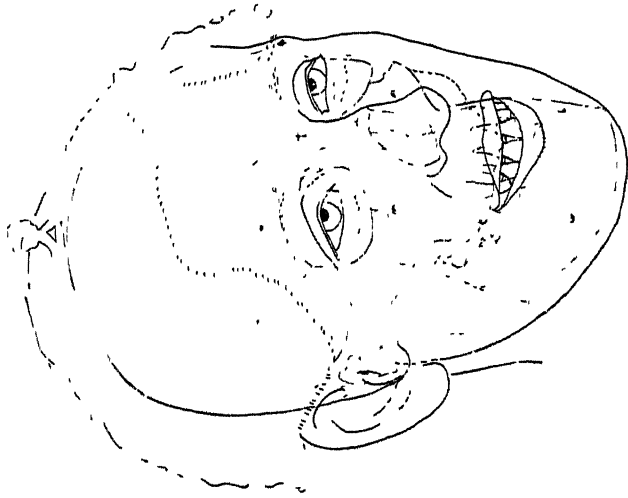


*Mrs Ruxton Photograph A.  
With registration marks.*

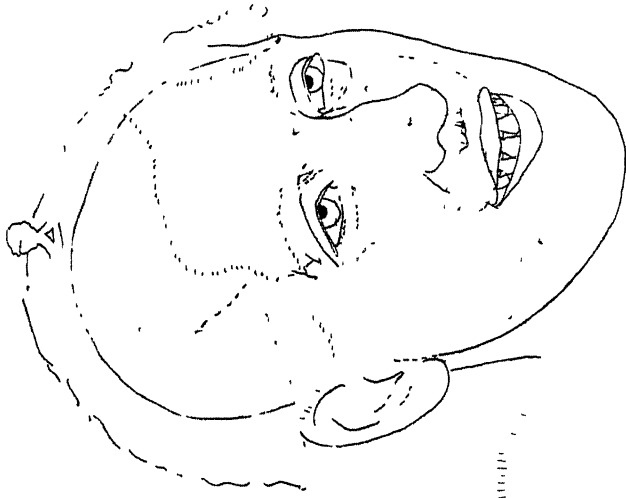
(A) Photograph of Isabella Ruxton, showing Tiara found at 2 Dalton Square, Lancaster, and used by Professor Brash in fixing size of life-size enlargement



(B) Negative Print of Skull No 2 orientated to correspond with Head in Photograph "A"



Tracing of Photograph of Mrs. Ruxton with Tiara, along with tracing of Skull No. 2, showing the close alignment of the superimposition



Tracing of Photograph of Mrs. Ruxton with Tiara, along with Tracing of Skull No. 1, showing the discrepancy in alignment



*Superimposed Photographs A  
 W. R. R. R.  
 and  
 Skull No. 2*

- (C) Superimposition of Photographs A and B illustrating the close correspondence between (a) the Bony Prominences of the Skull and the Contours of the Face ; (b) the Eye Sockets of the Skull and the Eyes and Eyelids of the Photograph , and (c) the Empty Tooth Sockets of the Skull and the Prominent Teeth of the Photograph

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work no doubt and shows every possibility, but it does not enable you to say more than that?—I cannot go farther than that.

Mr. JUSTICE SINGLETON—The way I regard this evidence at the moment is this, that these gentlemen from Edinburgh and Glasgow obtained as far as they could find every conceivable means of checking everything. In the result, Professor Brash says very truly. "These may be." If his results had been otherwise, he would have said quite clearly "It cannot be."

(To Witness) Am I right in this: you do get in both cases an amazing similarity in any event?—That is so.

*Examination continued*—Now will you kindly tell the jury about Exhibit 180, the tracings and photographs of Mary Rogerson?—Exhibit 180 is constructed in exactly the same way as the other exhibit, but with reference to two photographs of Miss Rogerson. Skull No. 1 photograph C, and Skull No. 2 photograph C are the photographs of the two skulls taken in the position of photograph C of Miss Rogerson. Outlines were made and superimposed: one of them was found to fit and the other not, and that is demonstrated again in the same manner. Then the same is repeated with regard to photograph D, which is another position.

And having got these results did you form the same opinion as you have done with Mrs. Ruxton?—I formed the same opinion, that they proved that Skull No. 2 could not possibly be the skull of Miss Rogerson, but that Skull No. 1 might be.

Cross-examined by Mr. NORMAN BIRKETT—I want to ask you a word only about the cyclops eye, whatever the significance of that may be. You do not know, of course, out of which bundles found in the ravine these remains came?—No.

Did you yourself discover the cyclops eye amongst the remains?—No.

Do you know who did?—I think Dr. Millar discovered the portion of tissue, the nature of which he did not recognize. It was cut across and shown to me.

And you recognized it then as being a cyclops eye, either human or mammalian?—I formed the opinion that it was a specimen of that nature.

Do you agree that in the animal cyclops eye the tapetum is always present?—That I cannot answer.

In the present cyclops eye, is the dark pigment of the retina well developed?—It seemed to be.

The dark pigment of the retina, which is well developed in this eye, as I suggest to you, shows it to be human, because you do not find that dark pigment well developed in the case of the animal cyclops?—That I do not know.

No test was ever carried out to determine whether it was a

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human monstrous birth or an animal monstrous birth?—A section was made of it, but to my knowledge no test such as you mention was made

In relation to the casts of the feet fitting the shoes, would it be a fair thing to say that the feet in question are stock sizes?—Yes.

With regard to the assembly of the bodies, your view is based, is it not, upon the articulation of the lumbar region, the femur into the hip sockets?—The articulation of the lumbar region, that is one thing, and the femora into the hip sockets is another thing.

They fit perfectly?—Yes

Have you examined the left hand of Body No. 1?—Yes.

If the left hand of Body No. 1 does not belong to Body No. 1, then it is clear that there must have been at least three bodies?—Yes.

It would throw the other assignments you have made out of gear? If the left hand of Body No 1 is wrongly assigned to Body No 1, then the general assembly would be thrown out of gear to that extent?—Only so far as No. 1 is concerned, if that were so.

The hands of Body No 2 are a pair in your opinion?—Yes

Did you notice with regard to the left hand on the ring finger a well-developed mark indicating the wearing of a ring?—No.

Did you examine it?—I have looked at it, yes

You agree, do you not, that the wearing of a ring upon the ring finger, if worn for a considerable time, does leave a mark upon the finger?—It makes a mark upon the finger, but I have no knowledge of how long it may last after the ring has been removed.

I suggest to you further, as a second matter, that the finger nails of the left hand of Body No 1 are in very great contrast with the nails on the right hand of Body No. 1, inasmuch as they bear evidence of being cared for as distinct from the nails upon the right hand?—I have not examined them from that point of view.

By Mr. JUSTICE SINGLETON—You examined them I suppose when you separated the bodies?—In general. not for that particular point

Did you see any contrast?—The contrast I saw was that the nails of the one were on the hand, and those of the other were off.

*Cross-examination continued*—At any rate, your main pre-occupation with the business was to carry out a reconstruction of the two bodies?—Certainly.

Re-examined by Mr. JACKSON—Have you any doubt whatever that the arms and hands of Body No 1 are a pair?—None.

By Mr. JUSTICE SINGLETON—You were asked some questions



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with regard to the cyclops eye. How many of you have considered that altogether?—Four or five of us have all spoken together about it.

Have you any reason to doubt that that is an animal and not a human cyclops eye?—I myself have no reason to doubt, but I do not claim expert knowledge of comparative anatomy of the cyclops eye.

I am not sure that anybody does. You have no doubt about it yourself?—I had no doubt when I examined it at the time.

Dr. ERNEST LLEWELLYN GODFREY, examined by Mr. MAXWELL FYFE—I am radiologist to the Anatomy Department of the University of Edinburgh. I assisted Professor Brash with regard to the super-imposition, and took the photographs of the skulls and the super-imposed photographs which appear in the books, Exhibits 179 to 180. I also produce the radiogram of the foot of Body No. 2.\*

Dr. ARTHUR CYRIL WILLIAM HUTCHINSON, examined by Mr. MAXWELL FYFE—I am Dean of the Edinburgh Dental Hospital and School, a Doctor of Dental Surgery, and hold further dental qualifications. On 6th October, 1935, and subsequent dates I examined the skull termed Skull No. 1 in Exhibit 135, and also the skull termed Skull No. 2 in Exhibit 139.

With regard to the first skull, Skull No. 1, did you find that some teeth had been removed for a considerable time?—Yes.† In the upper jaw on the right side, the first premolar and the first molar had been removed and on the left side the first molar: in the lower jaw on the right side, the first and second molars: on the left side the second premolar and the first and second molars. These had been removed for some time. three on the upper jaw and five on the lower jaw. [See diagrams on p. 434]

Would you now deal with those that you found had not been extracted for a considerable time in Skull No. 1?—In the upper jaw there were two, the two front teeth, the two central incisor teeth; that is all.

What was the state of the wisdom teeth in that skull?—The four wisdom teeth were unerupted: they had not come through yet.

With regard to Skull No. 2 did you find in that case that certain teeth had been removed for a considerable time?—Yes, in the upper jaw on the right side, the first premolar and the first and third molars; on the left side, the lateral incisor, the canine, the first premolar, and the first molar.

By Mr. JUSTICE SINGLETON—Seven gone some time ago in the

\* See Appendix VII for Radiological Report by Dr. Godfrey.

† See Appendix X for Dental Report by Dr. Hutchinson

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upper jaw?—Yes. In the lower jaw on the right side the canine, the second premolar, the first and second molars. On the left side the second premolar and the first, second, and third molars.

Eight?—Yes.

*Examination continued*—What teeth had been recently removed?—In the upper jaw on the right side the central and lateral incisors, the canine, the second premolar and the second molar.

By Mr. JUSTICE SINGLETON—Five?—Yes. On the left side of the upper jaw the central incisor and the second molar.

Two?—Seven in the upper altogether. In the lower jaw on the right side the central and lateral incisors and the first premolar, and on the left side the central and lateral incisors, the canine and first premolar. Fourteen recent extractions and fifteen old extractions.

*Examination continued*—With regard to those described as being recently removed, what do you say as to the time of removal?—In my opinion they were removed either after death or just before death.

Can you say anything as to the instruments with which they were removed?—I should say they were removed with suitable instruments—probably dental instruments.

By Mr. JUSTICE SINGLETON—Will you tell us why you say they had been removed recently?—Why I say they had been removed recently is on account of the fact that the sockets were completely open; that the gums, the margin round the sockets, had not contracted over the sockets, which they usually do during life.

Is that why you say they were extracted either after death or at such a short time before death that there had been no time for contraction?—That is the position, and also there is the fact that there was no evidence of any blood clot present, no bruising of the tissues at all, and that all points to, probably, after death.

*Examination continued*—What do you say is the age of the person to whom Skull No. 1 belonged?—I should say the approximate age of Skull No. 1 is between eighteen and twenty years.

You are basing it on the state of the teeth?—Basing it on the amount of root which had calcified of the wisdom teeth, that is the third molars.

How far can you go with regard to the age of Skull No. 2?—There is very little to say with regard to Skull No. 2 except that in my opinion it is over twenty-five years old.

Did you look at the tongue in the case of No. 1?—Yes.

Did you see certain indentations on the tongue?—Yes, they corresponded with the crowns of the teeth which were present in the jaw.

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You mean the teeth that were left there after all the extractions, both those of a considerable time before and just about the time of death?—Yes.

There was a mark in the centre of the upper part of the tongue corresponding with the central incisor teeth?—No. There was a depression which corresponded to the septum, the bone which comes down between these teeth, but I could see no evidence of any impression of the central incisor teeth, simply the septum.

By Mr. JUSTICE SINGLETON—Which bone is that?—Part of the socket which holds the teeth in position.

That looks as though the teeth had gone before the mark on the tongue was made?—No, not necessarily. There were no other marks on the tongue than those which could be accounted for by teeth and sockets which were present in the jaw at the time of examination. If marks had been caused by the central incisor teeth then they had been obliterated.

*Examination continued*—Could you say whether a denture had been worn in the case of Skull No. 1?—No.

There is no evidence of that on Skull No. 2?—No, there was no evidence of a denture being worn there.

Were you in a position to say whether there was one, or just whether the mouth was in such a condition that it is impossible to say?—Beyond the fact that there was a space in the front of the mouth which might suggest a denture being worn for the sake of appearance, there was nothing to show.

By Mr. JUSTICE SINGLETON—There was some earlier evidence of a denture going round two teeth. Had those teeth gone?—Yes, except that the left upper second premolar root was present in the jaw and level with the gum, and appeared to have been ground with a revolving dental instrument.

Cross-examined by Mr. NORMAN BIRKETT—First of all with regard to Body No. 1: you are quite clear that there were eight teeth which had been extracted for some considerable time?—Yes.

And the evidences which you mentioned show what happens when a tooth has been taken out, the formation of the gum and so on, were present in those eight cases indicating the teeth had been extracted for some considerable time?—There was no socket open; the gum had grown completely over.

There was no doubt that eight teeth had been extracted for some considerable time?—No doubt at all.

And in addition to that there were two teeth, the central incisor teeth, which, in your view, had been taken out at death or after death?—Yes.

And on the tongue there were no marks of those central incisor

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teeth, but on the contrary a mark caused by the little piece of bone in the gum which normally divides them?—That is true.

I do not know whether it is in your purview to deal with marks upon the tongue from teeth. Have you ever done it before?—One notices it in the post-mortem room and in the dissecting-room.

You gave evidence that there were marks, or a mark, of a dividing bone between the central incisor teeth. If that is so, I suggest to you that the two incisor teeth also went from Skull No. 1 during life?—No It is quite possible that the central incisor teeth themselves could have made an indentation on the tongue by pressure for a short period of time, and that was obliterated, as it was not sufficiently deep to show after the time which elapsed before I saw the case.

I suggest when you dealt with the marks upon the tongue you were straying a little from your normal occupation, were you not?—Certainly not; I simply reported on what I saw.

The central incisor teeth had been there as long as any of the other teeth, and longer, had they not? The marks upon the tongue had been made by other teeth, but the central incisor teeth had been there quite as long as those teeth which made the mark?—No, they had gone, but the other teeth were left.

By Mr. JUSTICE SINGLETON—Do you mean the marks made by constant usage on the tongue, or marks caused possibly at the time of death?—Marks caused possibly at the time of death.

Mr JUSTICE SINGLETON—They were both possibly there at the time of death The marks caused by the central incisor teeth did not remain, but some did.

*Cross-examination continued*—You are clear there were fifteen teeth which had been extracted for a considerable time missing from Skull No. 2?—Fifteen.

Do I understand you to say, further, that there were fourteen teeth extracted recently from Skull No 2, that is at death or immediately after?—Fourteen.

You do not know the number of teeth that were originally in the mouth of either Mary Rogerson or Mrs. Ruxton?—It is impossible to say that.

How many teeth ought a normal person to have?—32.

You number them from right to left, upper and lower jaw. The full mouth is 32: very few people have 32?—I should say very few people have not 32.

All at the same time?—Oh, no, if you have a perfect set of teeth——

The wisdom teeth come later?—Yes.

Do you count those in the 32?—Yes.

People very frequently have wisdom teeth which come quite late?—Yes.

# Evidence for Prosecution.

Dr. A. C. W. Hutchinson

In the case of Skull No. 1, you found that there were eight teeth missing, and two recently missing?—Yes

That makes ten?—Yes.

Were there 22 teeth left in the Skull No. 1?—Yes, 11 present in the upper and 11 present in the lower.

In the case of Skull No. 2, did you observe that the left upper lateral incisor was missing, the canine and the first premolar?—Yes.

Was the first molar also missing?—Yes

Is the first molar next to the first premolar?—No, the second premolar and then the first molar.

You have no evidence at all of a plate in the mouth of Skull No. 2?—No.

Did you find in the upper jaw of Skull No. 2 No. 5 tooth missing on the left side?—The left upper second premolar had a root which was level with the gum, which I removed for examination.

That is the one you say was recently removed?—I removed it myself.

Professor SIDNEY SMITH, examined by Mr. JACKSON—I am a registered medical practitioner, and am Regius Professor of Forensic Medicine at the University of Edinburgh. I have examined the remains in this case, have made a reconstruction of the bodies with Professor Brash, and have been in constant consultation with Professor Glaister and other medical witnesses. I agree with Professor Glaister and the other witnesses with regard to the evidence they have given, and I agree with the height, ages, and sex of the two bodies.\*

Can you tell me what the finger nails on Body No. 1 indicate to you?—The finger nails were scratched, and although they were trimmed they did not have the appearance of being well attended to, and from the scratching I assumed that they belonged to a person who was doing some form of manual labour.

Are the arms and two hands of Body No. 1 a pair or not?—In my opinion they are a pair: I have no doubt of this at all.

What in your opinion was the cause of death of Body No. 2?—In the case of Body No. 2, I think the cause of death was asphyxia. I can give my reasons for that opinion if they are required.

And in the case of Body No. 1?—With regard to Body No. 1, it is impossible to say what the cause of death was.

What sort of asphyxia was it that caused the death of Body No. 1 in your opinion?—From the fact that the hyoid bone was

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\* For Report on Medical Examination of the remains by Professor Sydney Smith, see Appendix IX

# Buck Ruxton.

Professor Sydney Smith

fractured, assuming it was fractured before death, that would show in all probability that the asphyxia was due to manual strangulation.

With regard to the big toe of Body No. 2, will you tell us what you found there and what conclusions you drew from what you found?—The big toe when I saw it had had the tissue removed from the joint, from over the joint between the metatarsal and the first bone of the toe. I asked Dr. Godfrey to have an X-ray prepared, and the X-ray showed a definite change in the head of the metatarsal bone such as you find associated with the formation of a bunion in the soft tissue over it.

If there had been a bunion there, what was there now?—There was nothing there to show whether there had been a recent bunion or not.

What had happened where the bunion would be if there was one?—The tissue had been excised.

With regard to the question of the indentation of teeth on the tongue, that is, that there may have been teeth there and afterwards those teeth have been extracted just after death, can you say as to why there are no signs of those teeth?—If the tongue was pressed up against the teeth during life and left there, we would find indentations of the teeth on the tongue after death. If some of the teeth were removed shortly after death, I would not expect to find any particular impression after a few days, but during the process of putrefaction the tongue continued to be forced against the teeth and against the margin of the sockets from which the teeth had been extracted, and therefore you have now the impression of the teeth that are present in the jaw, the impression of the edge of the open sockets and an impression of the spicule between the sockets of the central incisor teeth.

By Mr. JUSTICE SINGLETON—I do not follow that—the tongue was pressed up to the teeth during putrefaction?—It was pressed against them probably before death, and since putrefaction causes the tongue to swell, the swelling would keep it fixed firmly in that position.

As putrefaction went on, the tongue would come in contact with whatever teeth were there?—Yes.

And new marks might be caused?—It would be quite possible to get the condition you have there from putrefaction alone.

*Examination continued*—You gave the cause of death in your opinion in the case of Body No. 2 as asphyxia by strangulation. Has anything been removed from that body which might have assisted in determining whether there had been strangulation?—The removal of the nose, eyes, lips, ears and tips of fingers; those parts would show the external signs of asphyxia.

Does the cutting up of the bodies in the way it has been done,

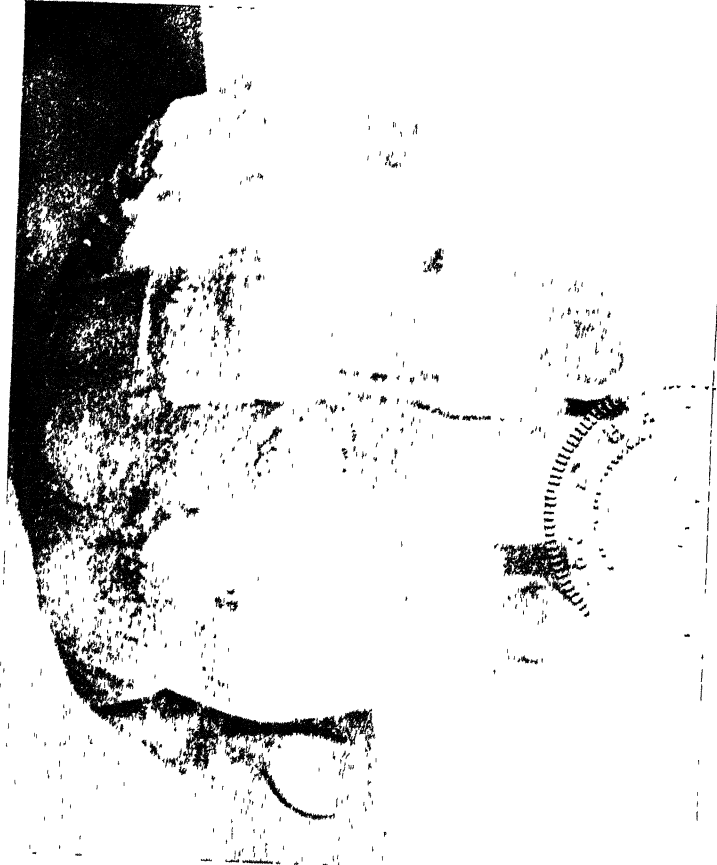


Exhibit 136, Photograph 25

Back of Fingers of the Left Hand of Body No 1 Note mark on third finger





# Evidence for Prosecution.

Professor Sydney Smith

the disarticulation, in your opinion show the person who did it had certain anatomical knowledge and surgical skill?—I think so, undoubtedly.

Are you satisfied that the bodies were drained of blood very soon after death?—Yes, I am satisfied they were drained of blood, and it must have taken place within a few hours of death.

You have heard from Professor Glaister about the mutilation or the cutting up of Body No. 2; what do you say with regard to the time it would take?—It is a matter we have discussed very carefully together and have considered it part by part. We reckoned out the time we would probably take to do the amount of stripping and disarticulation, and we arrived at an approximate figure of about five hours. I do not think you should take that as accurate, but it is as near as we could get.

Cross-examined by Mr. NORMAN BIRKETT—You agree with Professor Glaister that it would take a minimum of five hours to do these operations on Body No. 2, and I take it you agree that it might be longer?—Yes.

There were here in both bodies many evidences of lack of surgical skill?—Lack of surgical skill? I do not think it is right to speak about lack of surgical skill. I do not think one could give an opinion on the surgical skill. We are talking of anatomical skill.

Does it need much anatomical knowledge to know the point of disarticulation as to the joints?—Not in the joints such as the knee or the elbow: even there you may get into trouble, but when you are disarticulating the spine it is not at all easy. It is a difficult job.

In this case, I understand from Professor Brash, it had been broken where disarticulation took place?—The articular process on one side had been partly cut through with a knife and then broken.

On the question of the nails on the left hand of Body No. 1, your view was that the nails evidenced some manual occupation?—Something that caused abrasion of the nails.

I suggest to you, Professor Smith, and I suggest it quite strongly, that the photograph of the hand, photograph 25, Exhibit 136, shows well-kept nails on that hand?—Well, I suppose you would be entitled to say that looking at the photograph of them.\*

You appreciate that I myself have only seen the photograph and you have seen the hand in question?—Yes, I have seen it not only with the naked eye, but under magnifying lenses.

I am suggesting that the nails indicate the hand of a mistress rather than a maid. That is really the point?—I am not prepared to give any opinion on the difference between the nails of a

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\* See Appendix II.

# Buck Ruxton.

Professor Sydney Smith

mistress and a maid, but in reply to your question I say from my examination of the nails, that they belong to a person who has been in the habit of doing manual labour and the nail that is particularly scratched is one you cannot see, the thumb. If you look at the index finger which is the next most scratched, you will be able to make it out. This photograph is not focused for the nails, but for the skin at the bottom of the nail, and even being slightly out of focus you may get an idea of the scratches on the index finger. The ring finger on this photograph shows very little. To put it shortly, the left thumb is very badly scratched indeed.

That might be caused after death, might it not?—I do not think so, and I do not think so because of the condition of the edges of the scratches. You will find on the right hand something that has been caused after death, but not on the left. On the thumb particularly and on the middle finger there were a considerable number of scratches, but not nearly as many on the little and ring fingers. There were a few, but practically none on the right hand, very few scratches indeed.

You observe in that self-same photograph the mark which I have been suggesting to all the witnesses is a clear mark of a ring upon the ring finger?—It certainly is a most distinctive mark. It may look like a ring mark; it is certainly a ridge.

It does look like a ring?—Yes. But if you examine it carefully you will see that there is quite a distinct ridge at the base. How we are going to get that by wearing a ring I have no idea. If a tight ring is worn constantly you get a gradual atrophy in the tissue of the finger. I have never seen anything approaching this appearance caused by a ring.

By Mr. JUSTICE SINGLETON—Did you look at the hand?—Yes, I examined the hand on several occasions, but saw nothing of the nature on the finger. To-day I had another look at the hand, and there is no question of doubt that at the present time, to-day, there is quite a distinct impression on the side of the ring finger.

*Cross-examination continued*—If you were examining that hand to-day, would the hand give every indication of that finger having worn a ring?—It would have to be taken into very serious consideration whether that mark in itself means that a ring has been worn or not.

I put it that there is a mark upon the ring finger on the left hand of Body No. 1 which is consistent with the continual wearing of a ring?—There is a mark there, but I would not say that it is consistent with the wearing of a ring because it is seen in one place only and there is no thinning of the finger about it. If you look at photograph 21, which is a photograph of the left forearm and hand, you will find that there is an

# Evidence for Prosecution.

Professor Sydney Smith

impression on the middle finger which is even more pronounced. With photographs you are so much at the mercy of light and shade.

Mr. JUSTICE SINGLETON—Look at the one Mr. Birkett was asking about, No. 25. If you look at the ring finger on No. 25, the left hand of Body No. 1, you see something which looks like the mark of a ring. The witnesses who have given evidence about the hand said they did not notice any mark of a ring. This gentleman has been to look at it to-day, and he says there is something like that. Now he refers back to No. 21. He says, look at that and you will see just the same thing on the middle finger.

The WITNESS—If, further, we look at No. 20, we see no sign of a ring mark on the ring finger on the surface of the hand there exposed.

*Cross-examination continued*—With great respect you would not possibly expect to see it in that photograph of that hand?—The skin is loosened: we should have to watch for that.

To-day this hand has lost its epidermis or surface skin?—Yes.

Underneath the epidermis is the true skin?—Yes.

On that true skin at this very moment is there a mark to which you have just made reference?—Undoubtedly.

Which looks like a mark which might be made by a ring?—It is a mark that might be made by a ring. Remember you said "might" I want it to be quite clearly understood that it is not my opinion that it would be made by a ring. You get a mark on one place only. It would be extremely dangerous for me to say more.

You would not like to say what that mark on that true skin on that finger might be?—It might be made by any pressure.

We must have it equally on both sides. You say you would not like to give it as your opinion that that mark was made by a ring, but it was made by pressure?—Yes. It was made by pressure of some kind.

And that pressure might equally and consistently be made by a ring?—It might be made by a ring.

With regard to the big toe of Body No. 2, all you can observe to-day is the abnormality of the bone at that point?—Yes.

That is the most that can be said?—That is as far as one can go.

You would agree that that is a perfectly common thing?—A union is relatively common.

It is quite clear that on the tongue of Body No. 1 there are no marks of the central incisor teeth?—That is so.

Did you find a mark of the bone which separates the two teeth?—Yes.

# Buck Ruxton.

**Professor Sydney Smith**

What does that indicate to you?—There has been pressure on the tongue after the teeth were drawn.

After death?—After death.

Because you are satisfied that the teeth, the two incisor teeth, were extracted either shortly before or after death?—Yes, that is so.

I think you are quite agreed that the removal of those two teeth could not assist in the matter of identification at all?—They might. I do not know if they were stopped in a peculiar way and that sort of thing.

Did you see the cyclops eye?—I saw it. It was shown to me, but I know nothing more about it.

Re-examined by Mr. MAXWELL FYFE—When you first saw the left hand of Body No. 1 some time ago, did you see any mark then upon it?—No. One of the first things I looked for was anything that might help in identification: the impression of what might be a wedding ring is always helpful. I could find no trace on either hand of either body, and I looked very carefully indeed.

As time goes on after death, are there movements of the skin of the hand; does it change position out and in at all or not?—It absorbs moisture and eventually the epidermis is loosened and may be removed.

There is some process of change going on?—Yes, regular and consistent.

By Mr. JUSTICE SINGLETON—It is clear, I take it, that something had been done to the left great toe of Body No. 2?—The tissues over the joints were removed. I could see signs of a bunion having been removed.

Can you see what possible object there was in that mutilation?—The object of removing the surface signs of a bunion.

The Court adjourned.

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## Ninth Day—Wednesday, 11th March, 1936.

BERTIE JAMES HAMMOND, recalled, further examined by Mr. MAXWELL FYFE—On 13th October, 1935, I went to 2 Dalton Square, Lancaster, and there took possession of certain articles. At the bottom of the cellar steps of that house, I found the table leaf (Exhibit 184) produced. A palmar impression was photographed and is shown in Court. I also took possession of two bottles found in a basket of bottles (Exhibits 185 and 186), in the passage at the bottom of the cellar steps. In the cellar at the right front

# Evidence for Prosecution.

Bertie James Hammond

of the stair, I took possession of another bottle (Exhibit 187). Those all bore finger-prints. From the kitchen cupboard I took a vinegar bottle (Exhibit 188), a plate (Exhibit 189), and a vegetable dish (Exhibit 190), all of which bore finger-prints. I took another plate from a cupboard in the scullery, a decanter from the sideboard in the dining-room, two plates from the cupboard on the left-hand side of the fireplace in the lounge, and a further plate from the centre cabinet in the wall facing the window in the drawing-room, being respectively Exhibits 191, 192, 193, 194, and 195. All these exhibits bore either finger or palmar imprints thereon. On 22nd November, 1935, I received the tin (Exhibit 196) from Detective-Constable Winstanley, and on that I found two digital impressions. On 10th October, 1935, I received from Detective-Constable Mackenzie (Exhibit 182) digital prints of the left hand of Body No. 1, and on 15th October, 1935, from the same person (Exhibit 183) the palmar print of the left hand of Body No. 1. I also received on 17th October, 1935 (Exhibit 181) the finger and palmar prints of Dr. Ruxton, from the witness Mollison.

On 1st November, 1935, did you take photographs of the papillary ridges of the left thumb of Body No. 1 shown in Exhibit 136?—Yes. I took the photographs of the papillary ridges of the left thumb.

You have compared the finger-prints on these articles with the finger-prints on Exhibit 182, and with the photograph that you yourself took of the left thumb of Body No. 1?—I have.

And you have also compared certain finger-prints found on the articles, with the finger-prints in Exhibit 181, the finger-prints of the prisoner?—I have.

And the results from your examination are shown in the exhibit where the different photographs are compared. What have you indicated on these photographs—I have indicated the characteristics which are in sequence and agreement.

That is, characteristics of likeness between the two prints?—Yes.

In each case you have indicated the number?—Yes.

I want you to tell us from your study of this matter how many points of similarity you think are necessary to show that these finger-prints are of the body of which you are speaking and of no other. What is the minimum number of points required before you are satisfied that the prints were made by the fingers of that body and of no other?—In certain prints I would be satisfied with eight; in other prints I would be satisfied with less.

We may take the number eight as being the minimum number which has satisfied you?—Yes.

In these prints you have shown more than eight in every case?—Yes.

Is the photograph on the left on page 1 of Exhibit 197 an

# Buck Ruxton.

Bertie James Hammond

enlargement of the palmar impression on the leaf of the table?  
—Yes.

There you have marked twenty points of similarity?—Yes.\*

And the other photograph on the right is a photograph of the left palmar impression of Body No. 1?—Yes.

Would you just show us with regard to that, the points of similarity on which you have based your comparison?—With regard to the identification by means of finger-prints, the system is based on the fact that up to the present time no two persons have been found with finger-prints which resemble one another in characteristic detail. If the inner surface of the hand is examined it will be found that there are a number of ridges, called papillary ridges, thereon. These ridges continue across the surface of the hand to the tips of the fingers. For the purpose of establishing identity, we only deal with the tips of the fingers. These ridges contain the sweat ducts, and when any article is touched the pattern is left of the ridges. From these patterns, which for the purpose of the single finger-print collection are divided into ten types, we form our basis of identification. It is arrived at by comparison of the characteristics. These can be either short ridges, lakes, islands, or bifurcations (that is, a ridge that suddenly forks). The lake is a circular enclosure, the island is a short ridge, and then there are short independent ridges. Not only must these characteristics be in agreement with regard to the pattern, but they must be in sequence. In photograph 1, you will find that point No. 1 is a ridge ending downwards. Going to point No. 2, you cross over one ridge which ends upwards, and immediately above you have point No. 2, another ridge ending downwards. From point No. 2, if you count the ridges intervening, on both prints you will find three ridges intervening, and you have then a bifurcation upwards giving you point No. 3. From point No. 3 there are three ridges intervening, and you have point No. 5. If you follow point No. 5 downwards and to the left you will have a ridge immediately above which ends to the right and is the subject of point No. 4. Continuing from point No. 5, if you count two ridges upwards and to the right, you will find a small ridge bifurcating down, which is the subject of point No. 6. Five ridges intervene upwards and then you have point No. 7, which is a bifurcation upwards.

By Mr. JUSTICE SINGLETON—You are looking at the photograph on the right, of the palmar impression of Body No. 1. Do you find precisely the same indications in both, on all these points?—Yes. That is what I am referring to. Point No. 8 is a short ridge running immediately from point No. 7 in an upward direc-

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\* See illustration of Exhibit 197 containing palmar impressions.

# Evidence for Prosecution.

Bertie James Hammond

tion. There are two ridges intervening between point No. 8 and point No. 9, and again three ridges intervening between point No. 9 and point No. 10. Point No. 10 is what we term a "short ridge," and point No. 10 is the end pointing downwards. Point No. 11 is the other end of that ridge upwards. From point No. 11 you count four ridges downwards and you then have point No. 12, a ridge ending upwards. If you follow that ridge down from point No. 12, you have two ridges intervening and then a ridge ending upwards, which is the subject of point No. 13. From point No. 13, there are two ridges intervening and you then have point No. 14, which is another ridge ending upwards. One ridge over to the left is point No. 15, which again is a ridge ending upwards. From point No. 15, counting three ridges downwards and to the right you have point No. 16, which is a short ridge ending upwards. It bifurcates just below again, giving you point No. 17. If you notice the next ridge over to the left from point No. 17 is a ridge ending upwards which is not marked. There are ten points as a matter of fact not marked. From point No. 17 you go over two ridges to the right. You then have another ridge ending upwards which is point No. 18. A further check, if you trace that ridge downwards, you find point No. 3. Going across to the right again from point No. 18, there are two ridges intervening and you have another ridge ending upwards which is the subject of point No. 19. Tracing from point No. 19 downwards, the other end of which is point No. 2, you have one ridge intervening, and you then have point No. 20, which is a ridge ending upwards.

I understood you to say that you only took the tips of the fingers for this purpose. This is a palmar impression, is it not? —Yes. For the purposes of identification, finger-tips are filed, but if there are palmar impressions they are identified just the same; it is a more difficult system to file palms than to file fingers.

*Examination continued*—I think the best illustration is the thumb-print on page 8.\* Would you explain why there are three? —On page 8 the photograph disclosed under the letter "C" is an impression of the left thumb of Body No. 1, taken from the finger-print form. This, it will be seen, shows blank spaces due to the shrinkage of the skin and tissue of the dead hand. In order to definitely establish characteristic data disclosed in the missing parts, photograph "A" was photographed by me direct from the papillary ridges. If you compare impression "A" with impression "B," you will find that the ridge characteristics which are lettered "A" to "E" are identical. The ridge characteristics in photographs "B" and "C," numbered 1 to

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\* See illustration of Exhibit 197 containing thumb impressions.

# Buck Ruxton.

Bertie James Hammond

17, are identical. The ridge characteristics marked Nos. 1, 9, 11, 12, 13, 14, 15, 16, and 17 are disclosed in all three photographs.

By Mr. JUSTICE SINGLETON—Will you be so good as to take the clearest instance of those you have mentioned?—If you examine point No. 2, you will find it is a ridge ending to the left. Point No. 3 is a bifurcation which is immediately above. If you count seven ridges from point No. 3, on the eighth ridge you have point No. 4. Intervening between point No. 4 you have one ridge and then you have point No. 5, which is similar to No. 4, a ridge ending downwards. From point No. 5, you go across two ridges and you have a short ridge, the top of which is indicated as point No. 6, and the bottom as point No. 11. From point No. 6, you cross over to the right three ridges, and on the fourth ridge you have the lake formation indicated by the figures 7 and 8. That, incidentally, is what we call the innermost recurving ridge or core, and if you follow that ridge round it bifurcates in a downward direction giving you point No. 10. From point No. 10 if you count four ridges downwards and to the right, you have a small island. That is indicated, both ends being marked 12. From this small island, if you go three ridges in a downward direction, you have a point which on the centre print I have marked "B," the correspondence of that will be found on the print marked "A." From the point marked "B" there is one ridge intervening and you have the point marked "C" which is also indicated on photograph "A." These two points are ridges ending in a downward direction. Point "D" which has one ridge intervening from "C" is a ridge ending downwards to the left. In point "E" you have a ridge ending downward and to the left with one intervening ridge from point "D."

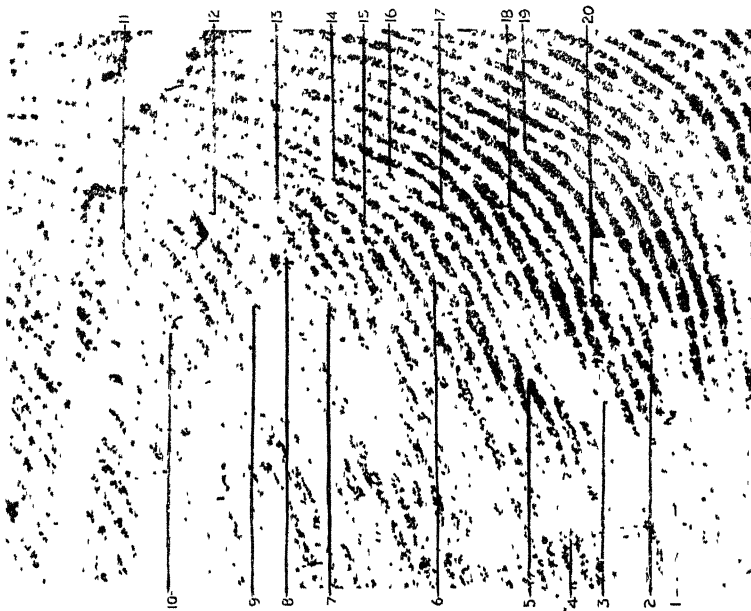
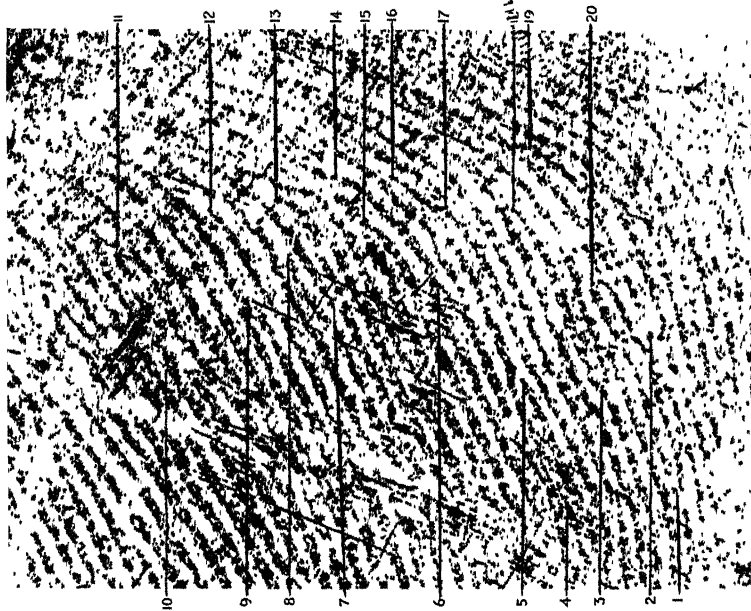
*Examination continued*—I understand there were a number of imprints taken from the bottles and plates. Will you take briefly No. 11, the ring finger of the left hand, and just indicate those towards the top of the print, from 5 to 10?—Point No. 5 is a ridge ending to the right, four ridges intervening is a short ridge, the left side No. 6 and the right side No. 7. Three ridges down we have another ridge ending upwards which is point No. 8. The second ridge downwards from point No. 8 bifurcates and is the subject of point No. 9. You have then a bifurcation downwards which is point No. 10.

Cross-examined by Mr. NORMAN BIRKETT—You have had some years' experience in the matter of digital and palmar impressions?—Yes, seven exclusively and seven partly.

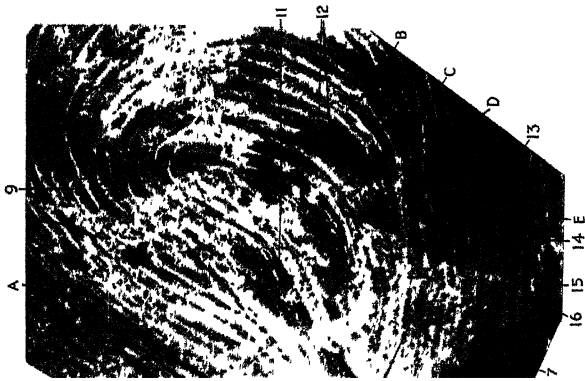
Was any of that at New Scotland Yard?—I have been to New Scotland Yard.



Exhibit 197, page 1 —The Figure Markings are described by Detective-Inspector Hammond in Evidence



A



ed Enlargement of the Thumb Impression of the Left Hand of Body No 1

B



Enlargement of Thumb Impression found on Decanter at 2 Dalton Square, Lancaster

C



Enlargement of Impression of the Thumb of the Left Hand of Body No 1

# Evidence for Prosecution.

Bertie James Hammond

Was part of your training the ordinary training at Scotland Yard with regard to finger-prints?—I can only answer that in this way, that I have been to Scotland Yard for what you could call examination. I have been two or three times.

Is it within your knowledge or not as to how many points of agreement Scotland Yard insist upon before speaking with any surety? Do they regard twenty as the minimum?—They do not. Scotland Yard hold the same opinion as I do.

You agree with this, do you not, that on many hands you get a great number of points of agreement?—You get a number of characteristics that are similar, but you do not get these points in sequence and agreement; that is, you do not get the characteristics forming on a particular ridge in a particular place; the characteristics are all duplicated on everyone's hands.

Am I correct in assuming from you that the impressions of the finger-tips and not the palmar impressions produce certainty?—The whole of the inner surface of the palm of the hand is just as good for identification.

The articles which you took from 2 Dalton Square contained impressions of some left hand?—Yes.

Did you take any impressions of the right hand on the articles?—There were impressions of other fingers on the articles.

Did you take any impressions of a right hand or not?—Yes.

In many of these articles there were a good many finger-prints of various kinds upon them, were there not?—Yes.

You had available for your examination the impressions taken by Mackenzie?—I had.

These are the finger-print impressions taken from the left hand of Body No. 1?—Yes.

You have also an impression of the thumb of the left hand made by yourself?—Yes.

You had before you also the finger-prints of the prisoner?—Yes.

Were those all the finger-prints that you had?—No. I had eight more sets of impressions from other individuals who had access to the house.

And that part you have investigated with care?—I have.

## Evidence for the Defence.

Mr. NORMAN BIRKETT—My lord, I call the prisoner.

Dr. BUCK RUXTON (prisoner on oath), examined by Mr. NORMAN BIRKETT—Is your name Buck Ruxton?—Yes.

Was it formerly Gabriel Hakim?—Yes, it used to be—not actually Gabriel Hakim—Buck Hakim.

# Buck Ruxton.

**Dr. Buck Ruxton**

Was it in fact changed by deed poll to the name you now bear?  
—Yes.

You are a Doctor of Medicine?—A Bachelor of Medicine of Bombay and London Universities. I studied in London, but I did not qualify there finally.

Do you hold any other medical or surgical degrees?—Yes, Bachelor of Surgery, also of the University of Bombay.

Did you practise as a doctor in Bombay or in India?—No, I would not say that I practised there. My Lancaster practice is the first practice, in 1930. I qualified in 1922.

Did you have any medical experience before your medical practice in Lancaster in 1930?—If I may modestly say, considerable.

Was that in the Indian Medical Corps?—Yes. [Witness began to sob and was slightly hysterical.]

I think you also served at sea as a doctor on a ship?—Yes.

In the year 1928 were you in Edinburgh, pursuing your medical studies at the University?—Yes.

Was it at that time that you first met Mrs. Ruxton?—Yes.

Isabella Carr was her maiden name, was it not?—If you want to be precise, Kerr—not Carr.

Her name being, as I understand it, Isabella Van Ess?—I did not actually know that at that time; I knew her as Isabella Kerr then.

After a little time in Edinburgh I think you went to London?  
—I did.

And Mrs. Ruxton came also, a little later?—Yes.

Then in 1930 you went to Lancaster, having bought a practice there?—Yes.

And she went with you?—Yes; at that time she was in Edinburgh, but she came within the next week to me.

Did you then go to 2 Dalton Square?—Yes.

That is where you lived together and subsequently had the children?—Yes, but I had one child born before, in London, Elizabeth. Diane and Billy were born at 2 Dalton Square.

What do you yourself say about your relations with Mrs. Ruxton in general during the years from 1930 to 1935?—If I may be permitted to put it in appropriate English, I can say honestly we were the kind of people who could not live with each other and could not live without each other. [Witness added a remark in French.]

You have added something else. Will you tell us what it was?  
—Forgive me the interruption, but I just used the French proverb, "Who loves most chastises most." My mentality thinks in French and I have to translate into English everything you are asking me.

Were there quarrels between you during that time?—Not often.

When quarrels arose how long did they last?—Oh, hardly

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two hours or three hours, and every time a quarrel arose I paid dearly for it, and I can prove it.

After the quarrel had passed, what were your relations then?—Oh, more than intimate. If I may add, sir, in fact Mrs. Ruxton many a time has come jokingly into my surgery with a smile on her lips and said, "I wonder how I could pick up a row with you," and I have asked her, "Come on now, what is it?" and smiled at her, and she would say, "How do you think I would look in a new blue suit?" or costume, or something like that.

I have a great deal to ask you, Dr. Ruxton, and I am sure you will forgive my saying this: perhaps you will just deal only with the questions I put to you. First of all, I want to ask you about Charlotte Smith. You remember that she was the day woman about the end of 1933?—Yes, I remember.

She said that Mrs. Ruxton one day came to her crying terribly and, holding her arm, showed the left arm which was badly bruised. Do you remember any occasion of that kind?—I think I do, and I can explain it.

Was the arm of Mrs. Ruxton bruised?—I think it was slightly bruised; it is a fact it was bruised.

How did it arise? Did you cause it?—Well, I may have been indirectly responsible for it inasmuch as I saw my Belle had a photograph of a man, and she was trying to hide it, and I said, "Isabelle, what are you hiding?", and I snatched it from her, which may have caused the bruise, but I did not attack her.

Was there a quarrel on that day?—No, no quarrel; on the contrary, we went to a cinema.

Charlotte Smith, giving evidence, said that at lunch one day you had said to Mrs. Ruxton, "If you go away you will not take the children." Is that true?—Yes, it is true, because my Belle was very erratic. She would just happen to do anything most silly, and I naturally would not like my children to be the victims of her temporary silliness, or anything you like to call it.

Now about Eliza Hunter. She was at your house from July, 1934, till April, 1935?—Yes, that is so.

The incident I want to ask you about is this: she says that on one occasion during that period Mrs. Ruxton left you, taking her clothes, and you said that you would bring Mrs. Ruxton back, but it would be to the mortuary?—No, I did not use the word "mortuary."

Just take it quite calmly, and do not hurry about it. First of all, was there a quarrel on that occasion?—No, not one bit, and there had not been a quarrel for days previously.

Did you ever use the words, "I will bring Mrs. Ruxton back, but it will be to the mortuary"?—No, never the word "mortuary."

What did you say?—I will tell you. It was a certain Wednesday, the 28th November, 1934, and I came home at about twelve

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o'clock after doing the morning's work. When I did not find Belle, I was told afterwards that she had left, and when I went to the bedroom every blessed thing was gone, and I did get excited, and I said, "Within twenty-four hours, dead or alive, I will bring her back." I never meant anything by it, except my wife should be in my home; but there was no idea of mortuary; I never used the word "mortuary." That is a made-up story. I used the words I did in a passion. [Witness again burst into tears.]

Still dealing with Eliza Hunter's evidence, she says that on another occasion during that period she came into the bedroom and saw you with your hands round your wife's neck?—The story of this is exactly the reverse.

And that when she came in you said it was no business of hers?—Yes, I did say that.

Was there such an occasion?—No, the occasion was not of a quarrel, but the exact reverse. It was an occasion of intimacy, if I may be permitted to say it, and I was larking with her. It was a privileged occasion, and I was squeezing her hard, and she said, "Oh, let me go," and Eliza heard it, and I said, "Go about your business."

There was no violence of any kind?—No, on the contrary, it was love-making.

The same witness also says that upon one occasion during that period she heard a knife click and that Mrs. Ruxton had said, "Where is that knife?"—No, never.

Was there any occasion at any time when you had a knife of any kind at the throat of Mrs. Ruxton?—No, never at any time in my life—certainly not—never at all. I may be a short-tempered man, but I have never done such a thing in my life.

The last matter I want to put to you about that witness's evidence is that she says that on one occasion she discovered a revolver—which has been produced here—and that it was under your pillow?—Yes—not under my pillow—in my Belle's bedroom.

Was there any occasion when you had the revolver under your pillow?—No, not that I can remember.

Where did you keep it as a rule?—I kept it in my Isabelle's bedroom for her safeguard. Myself and my Belle used to travel to Scotland, sometimes with the children and sometimes not, and we used to come home late at night, and the whole Court will remember there were many hold-ups in that part of the country at that time.

You took it in the car for protection?—Yes, to bully anybody, but it was never loaded.

I want now to go to April of 1934 and ask you to deal with the evidence of Inspector Thompson of the Lancaster police force. He says that upon that day you said to him, amongst other

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things, "My wife has been unfaithful and I will kill her if it continues"?—I did not actually say the word "kill"; that is not the wording of it.

First of all, you did see Inspector Thompson?—Yes, I did see Inspector Thompson. I was asked by Mr. Stainton to go to his office, and there I saw my Belle.

Did you in the presence of Inspector Thompson and in the presence of your wife accuse her of being unfaithful?—Yes, unfortunately, I did; I must say that.

Did you ever use the words, "My wife has been unfaithful and I will kill her if it continues"?—No, not to my knowledge, not to my recollection.

Do you recollect what you did say?—Well, I do not actually recollect the exact words, but I can give you the substance of it. I said, "It makes my blood boil."

He also gave evidence that later you told him that your wife was breaking your heart?—Yes.

Upon that occasion were you excited?—Well, I was very much excited, because I was heartbroken at what had been happening—any human being would be.

That was April, 1934. Go now to the 25th May, 1934, the evidence of Police-Constable Wilson, of Lancaster?—You mean 1935.

Yes, you are quite right, I am very much obliged to you. Then, before coming to that, to keep it in order, I want to ask you a word about the evidence of Vera Shelton, who says she was at your house in May and June of 1935. She says at half-past eleven one night Mrs. Ruxton called her and showed her a bruise and said that you had called your wife a "dirty prostitute," and that there was a broken telephone. Do you remember that evidence she gave?—Yes, I remember the evidence.

Was there any occasion when Vera Shelton came because your wife called her, that you remember?—No, and the 'phone was never broken. You can get to know that from the Post Office, my lord. That is a deliberate lie.

Did you ever, in the presence of Vera Shelton, call your wife a "dirty prostitute"?—No, I never called Mrs. Ruxton a prostitute, but once I did use the words, "You have the mind of a prostitute," because she was always thinking of men. I did not call her a prostitute, but I did use that word on one occasion, but that was only in passion. [Witness sobbed.] I paid for it afterwards dearly.

Vera Shelton also said that on another occasion during the period she was there your wife was reading a letter she had taken from your handbag, and you used the words to Mrs. Ruxton, "You cheat; you have opened my handbag; I will kill you"?—No. I

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called Mrs. Ruxton a cheat, yes, because a certain patient of mine wrote me a letter asking for a receipt for some money——

Do not trouble about that. I want this fact—the words “I will kill you.” Did you ever use those words?—Never, never.

That witness also added that afterwards you and your wife went out together in the car?—Every time we have quarrelled we have always made it up and then gone out together. The quarrels have only lasted half an hour or an hour.

Come now to 25th May, 1935, the evidence of Police-Constable Wilson, of Lancaster, who says that you said, “I will commit two murders in Dalton Square to-night.” Did you ever use language like that to him?—No, not at all. What I said was, “There will be two dead bodies in Dalton Square.”

I want to know how that arose. Was Mrs. Ruxton there?—Yes.

Had Mrs. Ruxton in the presence of the officer said anything?—Yes. She was about to go out with him, and I objected, and she said, “He will kill you,” so I said, “Well, I am not without two hands myself, and there will be two dead bodies,” meaning I myself would be one of them—he will kill me and I will kill him. That was said in a passion, but there was no reference to my Belle.

What was your feeling with regard to Mr. Edmondson and your wife?—At first I never suspected Edmondson of anything. I took him to my heart; I thought he was a young lad of twenty-four, and I respected him as a junior brother.

Did there come a stage during that period when you suspected him?—I did, and not only——[Prisoner burst into tears.]

I do not want any detail about it. I just wanted that fact. Bring your mind now to Saturday, 14th September. It is common ground, I think, that Mrs. Ruxton upon that day, somewhere about half-past six, went to Blackpool?—Yes.

Mrs. Nelson, her sister, was then at Blackpool?—Yes, she comes every year.

You and Mary Rogerson remained at home?—Yes.

Did you go out that night at all on Saturday, the 14th?—Not except on a business call, or something like that. It is very usual on a Saturday night in my very big practice.

Do you remember Mrs. Jackson coming to the house that night?—Yes, for her children, about seven o'clock—a quarter-past or half-past seven.

She came to bring her children?—To take her children, because my Elizabeth had had a party.

Was Mary Rogerson in the house then?—Yes, she had to be because there was nobody for the children.

What time did Mary Rogerson go to bed that night?—My Mary must have gone to bed about half-past ten or eleven o'clock.



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What time did Mrs. Ruxton come home that night?—Pretty much after half-past twelve.

What happened when Mrs. Ruxton came home?—I was waiting up, not actually in bed, when Isabelle came for the bunch of keys that was with me and on which was the key of the garage.

She had come back from Blackpool by car?—Certainly—in my car. I gave her the keys and she went to put the car away and returned to the house. By that time I was in my bedroom.

Where did she sleep?—On the top floor of 2 Dalton Square. There are three rooms on that floor; one is next to the Cinema, one adjoins the Britannic Assurance Company, and there is one bedroom on the landing on that side, which is my Mary's room, exactly opposite my bedroom.

There was Mary's room, Mrs. Ruxton's room and your room?—Yes.

You were occupying separate rooms?—Yes.

And the children were in Mrs. Ruxton's room?—Yes, in my Belle's room.

After she came back from putting the car away, what happened?—I was in my room, not actually asleep but going through my papers and things I usually go through, and when Belle passed my room on the top landing one could see the light burning through the crevices of the door although the door is shut, and she just called out "Good-night" in the usual female tone and went to her bedroom, taking the bunch of keys with her.

Was that the last you saw of her that night?—No, in the morning we each went to our respective rooms, of course.

I want to put this question quite plainly and directly: it is suggested here by the Crown that on the morning of the Sunday after your wife had come back you killed her?—That is an absolute and deliberate and fantastic story; you might just as well say the sun was rising in the west and setting in the east.

It is suggested also by the Crown that upon that morning you killed Mary Rogerson?—That is absolutely bunkum, with a capital B, if I may say it. Why should I kill my poor Mary?

I want to ask some very important questions about the next day, Sunday, 15th September. Before I do so, I want to ask you this question: had Mary done anything in the house on the Saturday, particularly with regard to the stairs?—Mary had taken up the carpets from the hall and under the small sub-landing of the bathroom and up to the first landing which subjoins my drawing-room and the morning coffee room on the one side and the breakfast room on the other side. She knew, and everybody in the house knew, we were expecting the decorators' people to come on the Monday—Mr. Holmes.

What was the first thing that happened on Sunday morning,

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the 15th?—My Belle came to my room, of course; it is usual on Sundays for us to go out for early morning trips.

What time did she come that morning?—I could not tell you the exact time, but round about a quarter-past six or half-past six.

Was that usual or unusual?—Well, you can put it both ways. Many a time we have arranged things on the spur of the moment, but on that particular day it was unusual, because I did not expect Belle to be in such an exceptionally friendly mood towards me.

What did she come for?—She just came to my room and, naturally, she made a little affectionate approach, you know. She said, "As it is fine, let us go out for the day" as we often did, and I agreed.

Was there any other request that she made of you that morning?—Yes, I went for the car and while I was going down she said, "Well, as you are on the way you can go to Dunkeld Street," and I said, "I do not know the number." I did not know the address—— [Prisoner burst into tears.] My Belle asked me to go to Mrs. Oxley and tell her not to come that morning.

Did you go to Mrs. Oxley?—Yes.

Have you any idea as to the time you went to Mrs. Oxley's?—Not actually when I went to Mrs. Oxley's, but when I came home to Dalton Square I had my car, and I naturally looked at the Town Hall clock and it was about a quarter-past seven.

Mr. and Mrs. Oxley say that it was half-past six. What do you say about that?—It could not be. I was outside the house with Mr. Oxley and I never saw Mrs. Oxley. I told him that Mrs. Ruxton says, "Tell your wife not to bother coming as we are going out for the day, but to-morrow she must come as usual." That was the exact message given me by my Belle.

Are you sure of that?—Absolutely certain of it.

Mr. Oxley says that on this matter you said that your wife and Mary "have gone to Edinburgh"?—It could not be, because Mr. Oxley himself told two different stories in the police court, one on one day and another on the next day.

Did you use the words when you went first and saw Mr. Oxley, that your wife and Mary "have gone to Edinburgh"?—No, never; it could not be, because they were in my house.

What did you do when you returned to Dalton Square at 7.15?—Whilst I was going up the landing I could not help seeing my Belle and Mary in the living-room behind, and naturally I thought it was for early morning tea, because we were going in a hurry.

Did Mrs. Ruxton say anything further to you about going away, and if so, what?—It so happened that when I came home I naturally just went to my bedroom to retire, because I did not like to

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meddle with the lady folks of the house—I do not usually do such things and get in their way—and I waited about a quarter of an hour or half an hour and then I went to the bathroom. When I was in the bathroom, Belle came in for a little make-up—there was a small cupboard there—and while looking at the mirror she asked me if I minded if she went to Edinburgh that day instead of to-morrow—because she was to go to-morrow as arranged. Naturally I could not help getting a little bit annoyed, because I had been asked to get up and get the car, and then she changed her mind, and all that nonsense, and I spoke in a sharp tone. I said, “You can go, but you are not going to take my car with you.”

Where was the car then?—Outside the house at 2 Dalton Square.

After you had said that, what was the next thing you did?—Well, to be very exact, when this thing was going on I was sitting on the lavatory seat and Belle was in the bathroom, and naturally I had taken my waistcoat and my coat off, so therefore I did not want to put them on again, and I took my coat and my waistcoat in my hand and went to my bedroom.

What were you then wearing?—On that particular morning I had a grey suit on. I used it four or five days afterwards and it was then sent by Mrs. Curwen to Cherry Brothers to be cleaned.

You took your coat and waistcoat off and you had your trousers and your shirt on, I suppose?—Yes, and after Mrs. Ruxton had gone I took off my trousers because I did not want to crease them.

Did you hear Mrs. Ruxton go?—Yes, I did. At that time I was also again in the bathroom, just for a short call, if I may say.

What about Mary Rogerson?—Mrs. Ruxton said that she was taking Mary Rogerson with her. I actually heard them go, because I heard the vestibule door lock click. If anybody touches the door the catch drops with a click, and one can hear it. I ran down to the vestibule door and peeped through the plain part of the glass to see if my car was there.

Did you see anything then of Mrs. Ruxton and Mary Rogerson?—No, by that time they must have gone, but my car was still there.

Did you know whether they took anything with them in the way of clothes?—I could not say definitely that they did take anything; I did not see them take anything.

Was anything said by Mrs. Ruxton as to how they were going to Edinburgh?—No, not that I remember. She only asked if I minded her going to Edinburgh that morning, and naturally I was so annoyed at her making a monkey out of me by making me get up and then changed her mind at the last minute.

What time would it be when you heard the click of the vestibule door?—It would be roughly between a quarter-past nine and half-past nine.

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You had your shirt and the grey trousers on, and the coat and vest were in your own room?—Yes.

Did you keep the trousers on?—No, it was a good suit and I am particular, and I took off my trousers and put on my pyjama trousers. I also took off my shoes and put on my pumps.

The children were in the house?—Yes.

What time did the children get up?—Soon after my Belle left I went to the children's room, and that was my first disappointment, that there had been no attempt made to wake up the children. I had asked Isabelle previously if I could help with the children, and she said no, there was no hurry.

Of course the problem of breakfast for yourself and for the children would arise that morning?—Not so much for myself, but my Diane said she was hungry. I went down to the living-room—that is the room anterior to the kitchen—to pick up something to eat—just biscuit or cake, or anything lying about in the house. I could not find anything. There is a cupboard in which my Belle used to keep all these things, and I opened it and I found a fruit tin—a tin of peaches. I had to make a second hunt to find a suitable tin-opener, because I did not know where the servants kept those things. Ultimately I found one on the mantel-shelf.

You have seen the tin-openers which have been produced in this Court—one a broken one, one a new one, and one containing a corkscrew?—Yes.

Was it either or any of those?—No, these things were bought by the police after I was arrested.

What did you do with the tin-opener after you had used it?—I put it in the dustbin in the yard, together with the tin of peaches.

You heard the description of the tin-opener I put in cross-examination?—Yes.

Was that accurate?—Exactly.

Do you remember at all when that tin-opener was bought or how it got into the house?—It was in my house umpteen years ago, because when we settled in Lancaster I came from London and Belle from Edinburgh, and many of the things naturally in her department of the house Belle brought with her from Edinburgh. I had used it previously and seen it being used.

Having obtained the tin of peaches and the tin-opener, what did you do?—I went to my Belle's bedroom, because all the children were there.

What did you do with the tin-opener and the peaches when you were in the room?—I wanted to open it which was the natural thing to do.

Will you describe to the jury how you tried to open it and what happened?—Suppose this is a small piece of the tin of

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peaches, and suppose this is the tin-opener in my hand [describing with a pencil] and assume this hand was not injured, as it is now, there is the plunger with a small scabbard like a rapier; the edge was getting blunt because it had been in use a long time. The idea is not to make a circular hole but a stab hole of very small size. Having done that, you reduce the whole affair to a horizontal level, and there is the cross-blade, and you cut the top of the tin out with it. If I may be permitted to say it, the tin-opener which has been produced was purposely bought by the prosecution after my arrest, and that is not the one I used; but if you hold the blade a little higher up it would answer the purpose.

What did you do with regard to putting the plunger into the tin?—It would not cut because the blade had been used for a considerable number of years and therefore I did that [describing a blow] with my left hand; but the point is this: the top of the handle is not nice and flat, or globular; it is semi-conical, like a conical point, and that conical point would naturally hurt my palm.

Therefore did you use something?—Yes, I used a small sofa arm that my children used to carry about, to bang it with.

Where was it at that time?—In the bedroom.

How did it get in the bedroom?—In a family house my little boy sometimes empties the wardrobe and takes things from one room to another room; he is a young devil, you know.

Had it been there for some time, do you know?—I do not know that.

You did not take it there?—No, I did not take it there—why should I?

What happened then?—At that time I was steadying the plunger, and then I banged it, and when I banged it at first I did not bang hard enough, and naturally after the third or fourth effort the tin must have given way; when I banged it harder it caught me fast—it all happened on the spur of the moment. My hand was cut with the cross-blade, and the identical line of the blade shows on my fingers now [indicating].

About what time of day do you think it was when that occurred?—It would be a little after Belle left, because when Belle left I went to the children's room, and I just pulled the curtains and the children got up, and I went downstairs, so it would be about a quarter to ten.

When that had occurred in the bedroom, what did you do?—I went straight to the bathroom.

What kind of bleeding came from the hand after that cut?—If I may use technical language, I ought to say there are two arteries towards every finger on the palmar aspect of each finger. One

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chief artery comes here [indicating] and bifurcates into two small arteries in that way.

What quantity of blood came?—A fairly appreciable quantity; not a drop or two as has been suggested. Immediately I cut my hand in the bedroom, I turned round from the bedroom and went down to the bathroom.

What were you doing with your hand as you came down the stairs?—The first thing I could do would be just to hold the hand tight with my other hand and come right down to the bathroom.

During that passage from the bedroom to the bathroom, was blood coming from your hand?—Yes. I went to the tap of the wash-basin and let the water run on to my hand, and intentionally let it bleed. Where an injury has taken place and there is an open wound which has been in contact with tin and where sepsis or something is likely to occur, it is highly advantageous to lose a little extra blood rather than let any contaminated matter remain in the blood, having regard to the future danger of infection.

Did you use anything to assuage the bleeding?—I just wrapped a handkerchief round my hand carelessly—haphazardly—as a first intention.

What were you wearing in the bathroom when you did that?—At that time I was in my pyjama silk trousers and my shirt on.

Had any blood from the hand got on to any portion of the things you were wearing?—Yes, a fair quantity on my shirt.

After you had dressed it in that way, did you remain in the bathroom?—No, I went to my consulting-room where I wrapped the surgery towel round my hand; it kept on bleeding. Then I went upstairs just to have a look at the children.

Had you the towel round your hand when you went up to the bedroom from the consulting-room?—I think I put the towel back in the consulting-room; I am not actually very definite about all these things.

When you went back to the children in the bedroom, was the hand naked?—No, it had a little dressing on it.

How long did the hand continue bleeding?—If I may say so, the bleeding was every time I had to change the dressing. The dressing was dried up and every time I took off the dry dressing it began to bleed afresh. For the first eight days many of my patients have seen it, and my servants have helped me.

Now I want to go to the next matter, about the coming of the paper woman and the milk woman and Mrs. Whiteside that morning. Winifred Roberts said she brought the papers at nine o'clock that morning, a little later than usual?—I do not remember Winifred Roberts coming, but I remember Mrs. Hindson coming.

She says that she came at about ten o'clock with the milk?—Yes, I think it would be thereabouts. I asked her to put the milk

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on the table as there was nobody in the house. She put three or four bottles on the hall table.

She said it was customary to take the milk into the scullery on Sunday mornings?—Yes, I think that is right, but if I mistake not I simply asked her not to bother, knowing that if she went into the scullery she would expect to be received by somebody.

Did you say anything to her about your wounded hand, or did she say anything to you about it?—I do not remember what actually passed, but I think she must have seen my hand; she could not help seeing it.

She says that in your explanation of the hand you said that morning that you had jammed your hand?—No, I never used the word “jammed.” I may have said “jibbed,” or something like that; I speak very quickly, if I may say so.

About eleven o'clock your patient, Mrs. Whiteside, came for the operation?—Yes, about eleven.

You told her, I gather, that it could not be done because your hand was so bad?—Apart from my hand being bad, even if the hand was in good order I should have had to refuse her because my Belle was not there.

At that time, eleven o'clock in the morning, had you put a suit on?—Yes, my grey suit—the same suit that I had on in the morning, that I had taken off.

Did you say anything to Mrs. Whiteside about Mrs. Ruxton and Mary Rogerson?—No, I did not actually say all those things. First of all, I would not say it because she was a patient I had known only a short time, and it would not be my policy to be very intimate with people I have known only a short time; but I did say, “I am sorry, Mrs. Whiteside, this is the second appointment I have had to cancel, but I have a nasty hand and there is no one in the house and Belle has gone, and we are taking the carpets up”—and that sort of thing—“and I will give you a later appointment.”

She said that amongst other things you said, “There is just myself and my little maid in the house?”—No, it is the great ambiguity of the English language. I never used the words “little maid.” I did say “my little mites”—my children. Why should I use the words “my little maid?” What purpose was there in my mind?

You say you never referred to Mary Rogerson anywhere as “my little maid”?—No, I would have said “My Mary” or “Our Mary.” Belle has often rebuked me for saying “My Mary,” but it is a French expression.

That was about eleven o'clock. Did you go to the Andersons that morning?—I did; I took my three children there.

You went again in the evening to the Andersons' house?—After I went to the Andersons in the morning I came home and then I was

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in my house till about a quarter to four or four o'clock. I went to the Hampshires first and brought Mrs. Hampshire. That was all done in about a quarter of an hour and then I went to the Andersons about five o'clock to spend my evening there.

Was it your intention then that the children should stay with the Andersons?—No, not a bit. When I went in the morning, I said, "Look here, Mrs. Anderson, will you do me a favour? Let the children have a bit of grub, if it is not troubling you too much, and I will come back in the evening for them." Mrs. Anderson herself suggested that the children should stay.

After you had been to the Andersons at half-past eleven in the morning, where did you go?—I called on a patient and then went straight home, because I could not drive the car about; it was an effort.

Did you buy any petrol in tins that morning?—Yes, I did, from Mr. Waite of the Midland Garage—from the boy who gave the evidence, whose father could not come. That would be on my way home from the Andersons, because I had nobody with me in the car at that time.

Did you buy further petrol that day not in tins?—Yes, that petrol was bought at another garage, in my car.

Not in tins but in the tank?—Yes, the tank was empty.

Why did you buy petrol in tins on the Sunday?—It is a usual custom in our house to keep petrol to burn up stacks of debris and all sorts of refuse, especially the surgical dressings.

Was it a customary thing to keep petrol in tins in the house to burn refuse?—Yes.

You also bought petrol from another garage and had it put in the tank of the car?—Yes, because my Belle had used the car the previous day to Blackpool.

After making the call on the patient, you returned to your house and stayed in the house?—Yes, I was in my lounge all the time, and I turned the wireless on to keep myself amused.

Were you in the house until you went to Mrs. Hampshire?—Yes.

What time did you go to Mrs. Hampshire?—About a quarter to four or four o'clock. Mrs. Hampshire is a patient of mine. She had never been to do anything in my house before.

Why did you go to Mrs. Hampshire on that Sunday at four o'clock?—The point is this, I have to have somebody in my house always; the house is never left unattended, and she was the first person that came to my mind. There was nothing particular about it; it might as well have been Mrs. X or Y or Z.

What did you ask her to do?—I asked her son to ask his mother to come to the car, and she came. I said, "Would you mind coming to my house and staying there, and if there are any calls will you just diplomatically defer them?"

Had you said anything about carpets?—Yes, I think I said in



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the course of conversation in the car that we were expecting the decorators, and there was all this untidiness; but I did not actually mean her to do the work, because I knew she was not a strong woman. I brought her in my car to my house.

About the carpets, you said that on the Saturday, the 14th, Mary Rogerson had taken up certain of the carpets?—Yes.

Did you yourself take up some?—I took off some of the carpets; there was very little for me to take off—on the top landing and at the dining-room—only two flights of stairs, and they are very easy to take off.

Where did you put them?—I just rolled them up, and my Elizabeth—or Diane—was very eager to help me, and we put them in the waiting-room.

So that when Mrs. Hampshire came that day were there any carpets on the stairs at all?—No, I do not think so, because Mary had practically done half of the work and I did half of the work.

The carpets which you took up, what do you say about blood upon them?—It could have been observed, because at that time that carpet had been recently soiled with a little blood on either side when I was going up and coming down.

Blood from your hand?—Yes.

Where were the carpets which Mary had taken up?—My Mary had put them in the yard. She did not put them in the waiting-room because at that time anybody might be coming there.

So that when Mrs. Hampshire came certain carpets were in the yard?—Yes, they were bound to be.

Had you at any time during that day taken anything yourself into the yard?—Yes, I had. I had first of all taken a surgery towel, and then I had my shirt; there were a couple of holes in it, and I took those into the yard. I just put them on the carpets because I knew the carpets were of no use to us, and we were going to have a new set as we were redecorating the house.

Did you do anything that day in the way of burning?—No, I looked for the petrol at that time and I could not find it. That is what made me buy the petrol on my way home.

But when you had bought the petrol on the Sunday?—I think I did try to burn my shirt and the towel, but because they would not burn I left them half-burned; there was no hiding about it.

So that when Mrs. Hampshire came there was carpet in the yard, the blood-stained shirt, and the towel partially burned?—Yes.

Were there any carpets amongst the refuse in the yard?—There are so many journals I subscribe to, and the moment I have perused a journal I tear out anything important and index and file it and there was a hamper lying there to put them in. I did not like to throw them openly in the dustbin, and it was the usual custom for Mrs. Oxley or Mary or Mrs. Smith to burn them

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because there were income-tax papers and other private papers amongst them.

Did Mrs. Hampshire ask you if she could telephone to her husband to come to the house?—Yes, and she 'phoned actually from my consulting-room

She says that when she came there there was certain straw on the stairs but no carpets?—Yes, I think she is right. I can explain that. I buy drugs from wholesale druggists and they usually come in hampers, and before I have emptied the hampers they lie in a small cul-de-sac on a small landing. They are all packed up with straw, and my children play with the straw and make Father Christmasses, and that sort of thing

Had the children been playing with the straw that day and littered the stairs?—Yes, I remember they did, but there was not so much straw as Mrs. Hampshire said.

Mrs. Hampshire told the Court there was a great deal of straw?—At one time in the Police Court she said the whole place was covered with straw and it took her 30 gallons of water to clean up. [Prisoner burst into tears.]

Were any of the bedrooms locked when Mrs. Hampshire came?—Yes, I think so. Mostly the bedrooms are locked; it is the usual custom in our house.

Do you recall whether on that Sunday Mrs. Ruxton's bedroom was locked and your bedroom was locked?—Yes, it was bound to be, because I had taken the children to Mrs. Anderson's, and my room is always locked because I always keep a lot of money in the room. Moreover, the windows are very low and there are window seats and any of my children could fall out. Any of my servants, if they are honest enough, could testify to that.

When the rooms were locked, what did you usually do with the keys?—When my bedroom and Mrs. Ruxton's room were locked, over the bedroom door there is a little ledge and Mrs. Ruxton might put the keys there. Every servant in the house had their own way of arranging things, but there was always a small box on the hall table for the keys.

Was there anything sinister or wrong about any of the bedrooms being locked on that Sunday?—No, there could not be. It has been the custom ever since I came to Lancaster—ever since 1930.

Now, still dealing with Mrs. Hampshire and the evidence she gave about the bath in the bathroom, she stated that it was a dirty, yellow colour up to six inches from the top. What do you say about the state of the bath on Sunday, 15th September, as compared with other days?—It was used that morning, naturally, by myself, because I am a very particular man. On 365 days of the year I take a bath, no matter what the weather is. There was no difference between the condition of the bath on the day when Mrs. Hampshire came and the condition of the bath on ordinary days.

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There is no truth about all this yellow colour, and all this blood and nonsense.

With regard to the evening, we know that Mrs. Anderson very kindly asked the children to stay, and you came back to the house with Mrs. Anderson and with Elizabeth to fetch the children's night clothes?—Yes, and my Diane was also with me.

To your own house?—Yes—only for five or ten minutes, and then we came back.

It is essential to get this matter clear. On the way from Mrs. Anderson's upon that day, did you call at the Rogersons' house?—No

You came from the Andersons direct to your own house for the children's nightdresses?—Yes, that is quite right, with my children. About what time was that?—About half-past six.

Where were the children's nightdresses?—In my children's room.

Who went for them?—I went, but I did not know exactly where their mummy used to keep all the things belonging to the children; but my Elizabeth knew exactly, and so I took her into the bedroom.

Did Elizabeth go with you into the bedroom?—Yes, and Diane also.

And selected their night clothes?—Yes.

And then you all came downstairs together?—Yes

Is there any doubt about that?—No, I remember it perfectly because my Diane said to me, "I want you to give me a pick-a-back down the stairs," and I said, "I cannot give you a pick-a-back downstairs to-day because I have a bad hand."

Do you remember whether on that night you were able to get into Mrs. Ruxton's bedroom without unlocking the door?—I could not be exact about that, but the key is always there.

Then you came down and then you went away?—Yes, and when I went away I saw Mrs. Hampshire and her husband downstairs.

You went away, leaving them in the house?—Yes. I was hardly in the house for ten or twelve minutes at the outside, because Mrs. Anderson was waiting in the car outside. I said to Mrs. Hampshire, "When you go I will give you the key, because I will be very late, and when you go please lock the doors and see that everything is all right and the lights put off," because when I go to the Andersons I am always very late.

You called at two places on your way back to Mrs. Anderson's?—Yes, I first went to Mary's people. I had never been there before.

You went to the Rogersons' house and saw a young man?—Yes. I first thought it was Mr. Rogerson; I had never seen him before.

You saw Mr. Risby, who gave evidence here?—Yes, that is right.

I ought to have asked you, before you went away, what did you say to Mrs. Hampshire, if anything, about what she might take away?—I told her that she could take the carpets both from the

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waiting-room and from the yard if she wanted them, as they were no use to me.

You are quite sure it was carpets, and carpets only?—Yes, on that Sunday. I did give her the blue suit on the Monday, but not on the Sunday as she said.

Mrs. Hampshire says with regard to the blue suit that it was in the waiting-room with the carpets on the Sunday?—No, I know the circumstances under which I gave her the suit.

And, secondly, that you said, "That blue suit I was wearing when I cut my hand to-day"?—No, I never said that, because I had on my grey suit that morning, and when I actually did the cutting I had my silk pyjamas on and the shirt, and I could not say that.

You went to the Rogersons' house and there saw Mr. Risby?—Yes. I know his name to be Risby now; I did not know it then. At first he was practically outside the house, and I just beckoned him to me—I thought he was Mary's father—and I said that I had just come to tell him that Mrs. Ruxton and Mary had gone away to Edinburgh, and Mary had taken her wages on the Saturday night in advance.

Did you then go to another place after you left the Rogersons and before you arrived at the Andersons?—Yes, to a chemist's shop.

It was said to Taylor's Drug Stores?—Yes, perhaps it was. Mrs. Anderson would know better than me.

Did you ask Mrs. Anderson to buy anything that night?—I had practically exhausted the dressings in my surgery and I needed some dressings for myself. Mrs. Anderson wanted some aspirin and I said I would like her to get me one or two things, and I said, "Just get me a couple of lbs. of cotton wool." I asked her to get that both for dressing for my surgery and for the purpose of dressing my hand. I then went to the Andersons and left them between 10 and 10.15. I then went to the garage and came jaunting slowly along from the garage to my house; it may have been about eleven o'clock; I am not actually certain of the time. I went into the house.

Did you observe whether any light was burning of any character?—No, but I did put the light on in the hall. Regarding the light, I must make one observation. It is a rule in our house to keep the hall light burning throughout the night just for the sake of showing there is some life in the house—to show there is somebody in the house so that no one will tackle it. It is just a little trick of the family so that nobody shall enter the house.

After you got into the house on that night of Sunday, 15th September, did you stay there all night?—Yes, I did stay there. I went to the children's room.

What time did you come downstairs on the morning of Monday,

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the 16th?—It would be the usual time. You see, Mrs. Oxley came about a quarter-past seven or ten past, and sometimes she will find me asleep; but that morning I went down and opened the door to her and let her in. That is the true fact.

It is suggested by the Crown in this case that during that night you went to Moffat. Is there any truth in that suggestion?—How could it be, may I ask? It is a physical impossibility, and I can prove it. How could it be? I can prove I sent for my car that morning. I can trace the telephone call. [Prisoner sobbed.]

You never went to Moffat on that night?—Certainly not—most emphatically not—never, never in my life.

On that night you were in the house?—Certainly, I was in the house all that night.

When you came downstairs on Monday, the 16th, you say you let in Mrs. Oxley?—Yes, I did let her in; I was in my pyjamas because I could not put on my dressing-gown because of my hand, and I was in a hurry.

What was the first time on the day of Monday, the 16th, that you left the house?—It would be about getting on to ten o'clock when I went to Mr. Howson, the barber's, across the road.

Was that the first time you had been to Mr. Howson for a shave?—Yes; in fact I joked with him. I said, "Mr. Howson, I am honouring you; this is the first time in my life I have been to a public barber"—because that is my principle.

It was impossible for you to shave yourself?—Yes, because of my injured hand.

Are you quite clear that was the first time you went out of your house?—Yes, but by that time my car was at my doorstep.

Your car, the Hillman Minx, at that date was the only car you had?—Yes, that is quite true; there was no other car.

Where had that car been on the evening of Sunday, the 15th, till the morning of Monday, the 16th?—In Mr. Waites's garage, and he delivered it to me on Monday morning. I had 'phoned for it about 9.30 or 9.45.

This is very important. You telephoned to the garage for your car?—Yes, and I can prove it.

Your car, we know, was delivered to your house?—Yes, and I have the bill for it.

I want to know about the time you say it was. That is what they could not give us?—I 'phoned for it about half-past nine to a quarter to ten, because I was so ill I could not go to the garage and therefore I sent for it.

That was the first time the car had been out of the garage since you put it there on your return from the Andersons?—Quite right.

Mrs. Hampshire has said that you called at her house about

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nine o'clock on that Monday morning?—Yes, I heard her say that, without a tie and collar.

Were you at Mrs Hampshire's house at that hour on that Monday morning?—Never, never in my life. [Prisoner burst into tears.] I have never gone from my house in all my life without a tie and a collar—never in my life.

She said that you were without a tie and a collar and that you were wearing an old, dirty raincoat?—That is ridiculous if I may say, I am so fastidious about my looks, especially as 40,000 people in Lancaster know me, and could anyone imagine on that busy Monday morning I would allow them to see Dr. Ruxton at nine o'clock in the morning without a tie and a collar on, and wearing a dirty raincoat? It is a lie.

Mrs. Hampshire says that you inquired about the blue suit?—I was never at her house on that Monday morning. When she went on the Sunday she already had the key of my vestibule door with her, and I told her to come to my house the next day because I was expecting two people for business, and she came the next day and naturally made tea for my visitors and made them comfortable, and at that time out of gratitude I gave her the suit, and I remember her very words. She said, "It will suit my Arthur very well."

What time was that?—In the afternoon, because my friends left after she had gone, and also on that same day she broke a cup, and she said the door of the drawing-room was locked, and I actually took her into the drawing-room and went to the cabinet and took out another cup to take the place of the one she had broken, and afterwards she served tea in that cup. I cannot stand these lies. This is all a pack of lies they are telling. [Prisoner sobbed.]

Please try to keep control?—It is very hard to stand this pack of lies.

She says you went into the house without knocking and she said, "Good God, doctor, how ill you look"?—No, she never spoke these words. She did say something like that on the Monday afternoon when I got home.

She says that on that morning the coat was produced and you asked that she should have it cleaned. Was anything said by you on any other occasion about having the suit cleaned?—I think I did ask her on the Thursday about the suit. I did ask her about the cleaning of the blue suit on one or two occasions and—I must be honest about it—every time I asked her she said, "Yes, doctor."

So far as the tab is concerned, was there a tab on the inside of the pocket?—There might have been; I cannot deny it; it was a very, very old suit.

Was there the name of the maker on any part of the suit?—It

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might be, because on most of the suits I have possessed there were the names of the makers. If I remember rightly that particular suit was made by a man called Hyam; but I do admit there might be a suit in my house—I think it is perhaps still there—which might have been made at some other tailor's.

Mrs. Hampshire says on that morning, you being unable to use the scissors because of your wounded hand, she took the scissors and cut out the tab on the inside pocket bearing the name of Epstein and your name?—I never went to her house that morning, and if I remember rightly my name was not on that.

Was there ever an occasion when Mrs. Hampshire in your presence cut out the tab from the blue suit?—No, never.

She further says when it was taken out you did use words like, "Burn it," or "Throw it in the fire." Did you use those words?—No. The suit was given to her in my house, and so that could not be. There is an electric fire in the lounge room.

Do you remember taking your Hillman Minx car to Mr. Hudson, at the garage on Monday, the 16th?—Yes, about half-past eleven to a quarter to twelve. I took the car because it was bought in the month of August and had already done about 4000 or 5000 miles, and when I slowed down in the traffic the engine stopped, and I had to start the car over again.

Was that the only reason why the Hillman Minx was taken?—Yes. I never thought at that time that Mr. Hudson would suggest decarbonizing and within an hour I would be driving a hired car.

Was Wednesday, 18th September, the day you brought the Hillman Minx away after decarbonization?—Yes. While it was being decarbonized I had an Austin car. First of all, Mr. Hudson offered me a small car, which was really a ramshackle bus, and not a good-looking bus. I was expecting to take my friends, that is Mr. and Mrs. Anderson and Dorothy and my three children, to the Carnival this day, and a little 8-horse-power Ford would not answer my purpose. The Austin was obtained from Yates's Garage, and was used by me from the Monday till the Wednesday.

Mrs. Hampshire came again to your house that day. She had been on the Sunday?—Yes. I was not in the house, but she had the key.

Mrs. Hampshire suggested, in evidence, that originally you had told her that your wife had gone to Blackpool?—No, I did not mention Blackpool, but I spoke so far that I referred to her having been to Blackpool on Saturday; but I did not say that she left my house on Sunday for Blackpool; no.

She says that you said they had gone to Edinburgh?—It did happen that way. She asked me why did I not send for my missus when I was so bad.

I am misleading you. This was an occasion when she said that

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you said Mrs. Ruxton was in London?—No, I will tell you how it happened. When I was depressed and worried about my hand, she asked me, “Doctor, why do you not send for the missus?” At that time I just broke down. I said, “Well, Mrs Ruxton is supposed to be in Scotland, but sometimes she goes north and sometimes south. I would not be surprised if she is in London or Edinburgh or any blessed place.”

She says there was no work for her to do and she asked you why you had sent for her and you said, “Because you give me courage”?—Well, I do admit that I may have used some expression like that. My real purpose in asking Mrs. Hampshire that particular afternoon was because I was expecting my friend, a solicitor, and a representative from Manchester, about a certain insurance business, and, naturally, having no servant in the house—Mrs Oxley goes away about twelve—I wanted a respectable-looking woman, with a respectable dress, and everything, to be in the house and serve tea and everything.

The other matter in the conversation that I want is this. She then said that she turned to you and said, “Doctor, you are telling me lies”?—No.

And you said, “Yes, I will tell you the truth”?—If I may respectfully say so, she is rather mistaken on this score. I do not think that Mrs. Hampshire would go to the extent of saying, “Dr. Ruxton, you are telling lies.” It is rather too much to expect.

She also says that you said, “I can forgive extravagance or anything else, but infidelity never”?—No. I will tell you what happened. I may politely say that on a previous occasion she looked round the house and said, “Doctor, what a lovely house you have got.” She admired my furniture, which has been the envy of everybody. At that moment I said, “I am very sorry, Mrs. Hampshire, but all this is outward show. I am an unhappy man with all that. Worldly goods do not matter much to one’s happiness.” At that time I had broken down.

Was anything said about infidelity?—No, not that I know of. I never discuss with strangers.

Did you tell her why you were an unhappy man?—I did say something like this, that Mrs. Ruxton would go north and south, and something like “was never at home.”

Was it on that Monday that the dustmen came?—Yes, Rutledge and Gardiner. It is impossible to say what they took away.

You put the tin-opener with which you injured your hand into the dustbin on the Sunday?—Yes.

What happened to the tin of peaches which you were attempting to open on the Sunday?—That tin of peaches and that tin-opener I put in the dustbin in the yard

By Mr. JUSTICE SINGLETON—Do you mean you did not open the



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tin?—I could not, because then the gash was done. I could not manipulate my right hand.

*Examination continued* by Mr. NORMAN BIRKETT—What else was there in the dustbin?—All household refuse and cement off the wall that had been lying—it was there for about a month round about. I asked the dustmen to take it all away and I would give them half-a crown. I think they took it away. There were old toys and dolls and small lambs and horses, and also things of my Billy boy.

Evidence has been given about certain fires in the yard. Upon what days, if any, did you do anything at all about burning anything in the yard?—I do admit that I did try to burn my towels and my shirt on Sunday, but I did not actually succeed in burning them. I left it half done because they would not burn, because it was partly raining and the towel was a bit wet. That partially burned material was there when the dustmen came and they took it away on the Monday.

Did you burn anything in the yard on the Monday?—No, nothing.

The dustman, Rutledge, says that he observed upon that day, among the stuff which had been burned, part of a light blue silk dress with glass buttons. Do you know anything at all about that?—I do not know anything about it.

Did you at any time after the Monday take any part at all in any fire in the yard?—Well, I myself did make a small fire to burn my dressings on Thursday.

Was that the next time after the Sunday that you had burned anything?—Yes, because the dressings were accumulating in the yard.

The two girls Mather, who live in Great John Street, spoke of a great fire. One of them said she could see to read by it. Was there any fire in that place at all?—There was not.

On Tuesday, to your knowledge?—No, and there could not be, because I went to the Andersons after finishing my surgery to bring my children home.

There was no fire on the Tuesday?—No, nor on the Wednesday. I think I myself made a fire on the Thursday evening, burning dressings off my hand and the dressings that had accumulated in the yard the days previously; just a small fire, nothing of a huge sort.

In the week of which Thursday was the 19th, did you take any part in any other fire in the yard?—No, but I do remember asking Mrs. Smith or Mrs. Curwen, either of the two, to burn something under my instructions. I do not remember the actual date, but I did ask them, and they did, under my instructions. I did not actually see the fire.

Mrs. Curwen told us that she saw in one of the fires a portion

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of a blue dress and a portion of a red dressing-gown. Do you know anything about that at all?—No, I do not know anything about it.

Did you at any time, on any day, burn any part of a blue dress or any part of a red dressing-gown?—No blue dress nor red dress I burned myself, never. Definitely never. I know nothing about it.

Did Mr. Hall come on Tuesday, the 17th, to mend the cistern? —He came in the early part of my evening surgery, about seven o'clock. I did not expect him for the cistern; he came professionally.

Mr. Hall says, you know, that very much later in October—the 12th, I think he said—you went to see him?—No, he came to my house.

And you asked him whether he could remember mending a fuse at half-past ten at night on Saturday, 14th September?—Yes, I think I do remember having asked such a question in that way.

He says that you wished him to remember it particularly because “you saw Mary Rogerson.” You wished him to be ready to swear to it in any Court?—I can tell you I did use the words. First of all, I asked Ernest Hall. By that time my life was a piece of misery with the police. First of all, they wanted me for Mrs. Smalley, and then they wanted me for this ravine business. I said, “Ernest, do you know; can you remember that you came to my house some Saturday because I am up against these people and I must get some things that you may be prepared to swear on oath, so I want you to remember very well.” I did use these words, but I did not suggest that I wanted him to give false evidence.

He said that he was not there at that time. Did he tell you? —He satisfied me and when he satisfied me that he was not there, I said, “It is quite all right, Ernest.”

Was there any intention on your part to induce Mr. Hall to swear false testimony?—No, but I did say the words, “Oh, look here, Ernest, you must remember it because you must be prepared to say on oath and therefore I want you to remember very well,” and when he said no, I said, “Certainly not.”

Did you go anywhere by car on Tuesday, 17th September?—Yes, first of all, I took my children to school. I wanted to put my Billy boy at a farm at Seattle that my children had already been to in the summer time with my Mary.

What time did you go on the journey to Seattle?—It would be well, after a quarter to eleven, because at half-past ten, or round about that time, I took my Elizabeth to school. Then I did a couple of visits. I remember one visit in particular, Mr. Henderson, of 2 Watery Lane, and then with my Billy, my

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young boy, I made my way to go to Seattle. I had been to Seattle by road pretty often before.

Did the witness, Mr. Jefferson, accompany you in June?—On two occasions, I think—his wife and myself. Every time that I have been to that place I have had trouble; it is such an ungodly place to find.

On this day when you were intending to go to Seattle, did you find Mrs. Holme there?—No, because it was getting late and we had to find the place out, and therefore I made my way back in time for surgery.

When you could not find Mrs. Holme's place at Seattle, which way did you return?—I remember that I ultimately landed somewhere in the Lyth Valley, and when I went a little farther I remember coming to Windermere, or Windermere road, and then I came to Kendal.

Did anything happen to you in Kendal?—Yes. I touched the back of a bicycle. I did not realize that I had done any injury.

In Milnthorpe, were you stopped by the police officer who gave evidence?—Quite right.

With regard to the licence and the insurance, you agree that is what did happen?—Yes, because it was not my car. I produced the licence at Lancaster.

Did you say anything to the constable as to where you had been?—I told him that I had come along the Carlisle road, but I did not say that I had come from Carlisle. I could not have gone to Carlisle.

Let me ask you directly the plain question, had you been to Carlisle that day?—No, I could not have done. It would have required Sir Malcolm Campbell to go there.

You saw Mr. Holmes's daughter on the Tuesday?—I do not remember actually having gone to Mr. Holmes's daughter on the Tuesday. I think I went in the late afternoon on Monday, because he did not turn up in the morning as I expected him.

I will put this quite clearly to you. On Tuesday, the 17th, at twelve mid-day, Miss Holmes says that you called for the first time?—With respect, I may say she is mistaken, because on the Tuesday this accident at Kendal happened and I could not be there.

Do you remember going to Miss Holmes?—Yes, on more than one occasion.

I put this to you, and you can deal with it. She says Tuesday at twelve o'clock; Wednesday at twelve o'clock; Saturday, the 21st, about twelve o'clock; and Sunday, the 22nd, about half-past six at night. Can you tell us the first time you went?—I could not go on Tuesday. I think I did go on Monday, I remember, because I expected Mr. Holmes, the decorator. He has done my work before.

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What did you go for?—Because he did not turn up as was arranged. He said, "I will keep the middle of September free for you, doctor," and he did not turn up.

Apart from that fixture, so described, as the middle of September, had there been any more precise fixture as to date?—Well, they never give precise fixtures for times. He has always kept his word, so to say.

That is the position with regard to the decorator. Mr. Eason finally did the decorating?—Yes. He did it very much later; only four days before I was arrested, four or five days.

I leave that matter with this. Was there any idea in your mind when you went to Mr. Holmes of getting them to come to the house to cover up anything that was there?—No. On the contrary, when this affair was raised, I purposely did not get the decorators until the affair was clear and therefore Mr. Eason did it on 6th October.

Still upon that day, I want to ask you a word about Mrs. Smith, who came to the house. What was Mrs. Smith asked by you to do?—Mrs. Smith practically, to begin with, had no particular assigned job in the house, so I asked her to strip the walls of the stairs.

To strip the walls?—Which would have been done ordinarily by me on the previous Sunday, if my hand was all right.

She told us that upon two days she did that work?—Yes, under my instruction she did.

Had that been done before when decorators were coming into the house?—Practically every time, if I may say so. In fact, I myself have done it.

Did you say anything to Mrs. Smith about the landing?—Yes, I do remember, because Mrs. Smith started from the ceiling of the bedroom landing. I said, "Now look here, you do not bother about this thing." There was no light in the ceiling and I was already arranging with Mr. Ernest Hall, in fact I had already arranged in the month of July, to get the ceiling light put in. I said, "Mrs. Smith, do not bother about the landing; I will do it myself in my spare time; but you had better start the staircase part, because when Mr. Hall does this thing he has to scrape through the wall and cement and bury the wires, and everything."

We have had Mrs. Smith, and that is what you say about it?—Quite right.

Now I want to go to Thursday, the 19th September, which is a day of some importance. Do you remember at what time you went out on the morning of Thursday?—Well, about a quarter to nine, or a little before nine o'clock. I remember very well.

Do you remember going to the Andersons' that morning?—I do remember hazily because I had practically gone to Mrs. Ander-

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son's every day of my life. But I do remember having taken Mrs. Anderson into a great confidence, that I was going to a certain place for a certain purpose, and I told her I was thinking of going to Blackburn.

At what time did you return from Andersons' that morning?—I did first of all a little bit of morning work, and then I remember having gone there just for a few minutes and said, "Oh, Mrs. Anderson, I would like you to keep the children," because she had wanted me to take my children home that morning according to an arrangement made the previous night, but I could not meet with those arrangements. Therefore, she sent the children with her maid.

Do you remember Mrs. Oxley coming that morning, the 19th?—Yes.

Did you say anything to Mrs. Oxley that morning about your hand?—Not about my hand. I asked her to make a hurried breakfast and then buck up because I wanted to leave the house immediately.

She says that you said that morning you were going to see a specialist?—I did use the word "specialist," not on the Thursday but on the Tuesday following. She is rather mistaken about this word "specialist" and the date. She is mixing up things. I did say it to her on the Tuesday following, and on that day I did go to a certain doctor for a certain purpose of mine. That is a different affair.

In Exhibit 207, which is called "My Movements," which you took across with you to the police station, under date the 19th, the side note reads in this way: "No shave this morning. Thought of seeing P. J. G. for hand"?—Yes.

Who is "P. J. G."?—Percy Joseph Gonsauves. He is a doctor in Accrington, not far from Blackburn.

By Mr. JUSTICE SINGLETON—You were thinking of seeing a doctor in Accrington about your hand?—My primary object was to just go to Blackburn for a certain purpose, and then I said to myself, "I will kill two birds at a stroke. If I find time, I will see Percy for my hand." I did use the word "specialist" to Mrs. Oxley on the Tuesday.

*Examination continued*—Where was the car brought that morning?—I think it was the back of the house.

Mrs. Oxley says that on that morning you made several journeys upstairs and downstairs to the car?—Regarding the several journeys, I can definitely say there were hardly two to three, and I have my reasons for it.

Did you take anything from either of the top bedrooms down to your car?—Yes, I did. That was the only thing that in fact made me go up and down twice or three times. I first of all

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went from the backyard after telling Mrs. Oxley that I was going away, and then in my car I thought I would take my camera and tripod with me.

Apart from the camera and tripod, did you take anything from the house in the car?—Nothing at all. In fact, I could not carry anything heavy because my hand was so bad. I left the house that morning in the car a little before nine o'clock.

Where did you go from the house, first of all?—First of all, I actually went to my branch surgery for a different purpose; not actually in the surgery, but a little way from Mr Edmondson's house.

Did you go to the Andersons' that morning?—If I remember rightly, I did go to Andersons' very late, about half-past eleven, or eleven o'clock. I am not sure of it.

By Mr. JUSTICE SINGLETON—Is this the visit you say you remember hazily?—Yes, because I remember having gone to a particular patient that morning. It was a dangerous case of hæmaturia, and I did visit him at Watery Lane.

*Examination continued*—Where did you go after leaving the Andersons'?—I went to Blackburn.

For how long were you there?—You see, it was my first attempt to spot the place where I wanted to go for a certain purpose.

It has been given in evidence that Mrs. Ruxton had some premises there?—Yes. It is the fact.

Was that where you went?—Yes, it is the fact.

At what time did you return to the surgery at 2 Dalton Square that afternoon?—I was actually in Dalton Square round about a quarter or half-past two, but then I hovered around the Town Hall for a certain man's car and it was not there.

Do you remember Dorothy Neild coming with the children that day from Mrs. Anderson's?—I was told that the children were there, by Mrs. Curwen—I do not remember exactly; that the children were just brought in. I think it was Mrs. Curwen, if I remember rightly.

That is to say, they were there just before you came?—I think so. I was talking to a lady by the name of Holdenhurst, or something like that, in the consulting-room, and I was asking Mrs. Curwen something about a private affair of the surgery. I had lunch—a snack made by, I think, Mrs. Curwen—an egg.

Was any lunch brought in from Tymn's?—No, it could not be brought, because it was after time.

Did you have a shave by Mr. Howson that day, the 19th?—No, I did not, because that particular morning, in fact, I got up a little bit later than usual. Usually I get up at about seven o'clock.

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Mr. Howson is right that that was the one day when you missed having a shave?—Quite so, because the previous night I had been to Andersons' very late and I was a bit tired and fatigued.

You have heard the evidence given by Mrs. Anderson and by Dorothy, that you were not at the Andersons' that day?—For all I know, they may be right, if they kept a calculation, but my recollection is that I have never missed going to the Andersons' and it was the fact that I did take Mrs. Anderson into confidence that I was going, because I was very much disappointed at not having got even a postcard, and that made me suspicious. That was why I went to Blackburn.

Did you hear the evidence given by Dorothy Neild that on 12th October you saw her and said, in substance, "You are quite sure, Dorothy, that I did come on Thursday, the 19th"?—Yes, I think I did ask her because at that time I was very anxious to gather all material for my—I was in such a panic with the police, I said to myself, "I must make a clear plan of my movements," because I had been very careless up to that time.

Had you any intention or desire, when you saw Dorothy Neild that day, to get Dorothy Neild to say something false to cover up any of your movements?—No. On the contrary, Dorothy herself told me that she did remember I was there on Tuesday.

You understand it is suggested in this case by the Crown that upon that day you went north to Carlisle and Moffat, the Lake District, or wherever has been suggested. Did you go any where that day other than what you have told us to-day?—No I had never been north. On the contrary, I was absolutely in Blackburn. In fact, if I could be allowed to trace the volunteer whom I asked and who told me, "You cannot miss it. It is just by the Town Hall, and go along"—

By Mr. JUSTICE SINGLETON—You have not been prevented from tracing anyone, have you?—No, not in that sense.

*Examination continued*—At any rate, you say the suggestion that you went to some unnamed place north is untrue?—It is quite untrue.

You went to Blackburn and to nowhere else?—Yes.

And you were back at the surgery at about what time?—left home about pretty well a quarter to nine, a little before nine

Mrs. Oxley says that upon that day, Thursday, the 19th the bedroom doors were open for the first time?—No. My bedroom door has always been kept locked for a certain purpose. Whenever I am out of the house I always took care to see that my bedroom door was kept locked, even when Mrs. Ruxton was in the house—it is not a new thing—because I keep my money there.

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Will you now come to the next day, Friday, the 20th. Mrs. Curwen says that on the 20th she noticed a nasty smell in the house?—No. I told her—I think I was the first person to use the expression—the house smelt rather stuffy.

A syringe was bought, which has been produced?—Yes, it is quite true.

And a bottle of eau-de-cologne?—Quite true.

And a certain spraying of the house was done?—We used to have in the house a spray which Mrs. Curwen could not find, therefore she bought a new one.

What parts did the smell in the house come from?—The point is this. The landing had been stripped by Mrs. Smith on the Tuesday, the Wednesday, and on the Thursday. There was the old paper with the glue and the size stuck on it, and when that was removed by the water and stuff and everything it began to give a nasty smell, from the staircase below right up to the top landing. I said, this is rather objectionable, and therefore I was getting very irritable, and that is why I bought—the syringe was bought on my instructions, I should say.

Mrs. Smith spoke of a nightdress of Mrs. Ruxton's that had blood-stains upon the shoulder. Did you ever see it?—No, I did not see it because my soiled linen basket is quite different from the household affair, and I never remember these affairs in my house.

Have you any knowledge of a nightdress of Mrs. Ruxton's that was stained with blood?—Not particularly myself, but if it was there I could believe Mrs. Smith.

I want to deal with the question of the curtains, upon which it is said there were certain stains of blood?—Yes. I remember that there was a small smear about an inch or an inch and a half on the curtain that used to hang at the glass window on the landing between the bedroom above and the dining-room below.

Mrs. Curwen says that those curtains were put by her into the linen basket?—I think she is right. In fact I myself drew attention to it, or she drew my attention; I am not quite certain.

Did you do anything to that curtain?—I did not do it, but you can say I did it in the sense that I made her do it, because there was a small smear of blood, and at that time I was interrogated by the police for Mrs. Smalley, and I jocularly said to Mrs. Curwen, "Do remove this, otherwise I shall be accused of Mrs. Smalley," or something like that.

Were those stains from the curtain in the linen basket removed in your presence?—Yes, I think it was. I think it was torn, not removed.

The third matter in this category is this. Mrs. Curwen spoke of a blanket which was steeped in a bowl in the little recess?—This



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is all a mystery to me. I have never seen a blanket soaked in blood, to my knowledge. I know nothing about it.

On 24th September Mr. Cook, the clerk in the Lancaster police office, said that you had come to protest against the inquiries about Mrs. Smalley being made of your servants. Did it come to your knowledge before 24th September that inquiries were being made by the police about the death of Mrs. Smalley?—No, not before the 24th September, but actually on the 24th, a little before I went to the police. That was what made me go.

Were you indignant about it?—Naturally, a man in my position would feel it. Mrs. Curwen came and told me.

Did you show Mr. Cook your hand?—Yes

You also saw upon that date Detective Moffat?—Yes, Inspector Moffat, who was making this investigation. In fact, he had been to Mrs. Curwen.

Did you protest again upon that matter to him?—Yes, of course I did, rather very strongly too, if I may say so. In fact I challenged him.

Was the question of your hand discussed?—Yes

Did you say anything about whether the police might search your house?—I did. I was rather too honest about it. I was rather furious at the time. I said, "Look here, I will stay here. You take this bunch of keys and you go and you can do anything you like," and I was insistent upon showing my hand to Mr. Cook.

I am not going to ask you about all the conversation. You remember the substance of it?—Yes.

"What the hell do people want interfering," and so on?—I may have used it, because it was rather a strong proposition. I do not deny it.

Did you say anything to him about taking the paper from the walls?—I think I did. He asked me first regarding the paper business. He cornered me into all this sort of tricky question. I was quite open about it.

Was anything said by you to him about your wife going away?—No—in the sense that I told him, "Look here"—I had enough worries on my head at that time. I was feeling very much hurt about Belle having left me and not having a postcard or anything like that. I said, "You come bothering me." I was busy with a certain insurance business, which was a great worry on my mind. I did say that, and I did mention to him something that my wife had been to Edinburgh about two or three weeks previously on a certain Wednesday, in an excursion train, without my knowledge, and when I went home I found a note on my desk—

That is all I want. "My wife leaves me; now you come bothering me. I come home from visiting my patients a fortnight ago. I go into the study. Call her name. No answer. I

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to her room. I find a note. It says, 'I am going away, don't worry.' Left me with three kids crying for their mother and don't know where she is"?—No.

"She is supposed to have gone to Scotland. I don't know. I wish she would come back. It is driving me crazy"?—No. The second incident, of leaving me with three kids, may have been mixed up in the conversation, but that was a separate date altogether.

What did you say, if anything, about your wife leaving a note?—I did say that Mrs. Ruxton some two or three weeks previously just left a note that she was going away to Edinburgh, just off for the day, "*P S.* Do not worry," or something like that. She did come back the same night.

The reference which was made to a note: had that any reference to this time in September when she went away?—No.

Or a previous occasion?—A previous occasion, definitely. In fact, I was just excited.

Did the fact that the police at that date had been making inquiries into the death of Mrs. Smalley have an effect upon your mind?—Well, naturally. I tell you for why. A rumour was current in the town that Dr. Ruxton murdered Mrs. Smalley because he owed her £500, and when she demanded payment and he could not meet the obligation he did her in. How would you feel like that? To have my name associated with this loan and not being able to pay, naturally it did upset me.

You saw Detective-Officer Winstanley on 4th October?—Yes. I think I saw Winstanley and Mr. Cook and Stainton together. They came one after the other into the small office.

Why had you gone to the police station on 4th October?—Because Mary Rogerson's father had been inquiring about Mary Rogerson. I had paid one week's wages. I went to ask Detective Stainton and said, "What is my position? How am I standing about this? Am I legally bound to keep on paying these wages, and could not you just help me to trace them," or something like that.

What he says about the matter is that you said Mrs. Ruxton had left home to go to Edinburgh?—Quite right. I described the whole matter to him.

Did you say, "She cannot have any love for the children. She has never sent a postcard to Elizabeth"?—Yes, I did.

Did you show him certain bills that morning?—Yes. It is the fact I did, because there was no end to my receiving bills on account of Mrs. Ruxton, to the tune of £450.

Did you refer to the matter of Mrs. Smalley that morning to him?—I think I did, because it was still simmering on, and they were still at me.

Was it affecting your practice at all, in your view?—Yes. One

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of my patients did remark and say on a certain day, "I am surprised to see you doctor; I thought you were arrested."

Did you refer to the matter to the detective officer at the police station?—I did tell him that. I was so furious about it, I again offered him my bunch of keys and everything.

He says that you mentioned the name of Edmondson and asked whether it was possible for letters to be intercepted?—Yes, quite right. It was one of my salient plans to trace her, but they said they had no authority.

On 10th October, were you met at Lancaster station by Inspector Clarke, at about ten minutes to four in the morning?—Yes.

You were then returning from Edinburgh?—Yes, from Mrs. Nelson's.

Is the conversation which the inspector gives substantially true?—Yes, it is quite true.

Did you mention what you had done with regard to following your wife to the Adelphi Hotel?—Yes. When he asked me, I said, "Look here; I would not be surprised if Bobby knows where Belle is, because Isabel told me she was only going to her sister's and taking Barbara," that is the sister, "and then I became suspicious. Well, I hired a car and I did follow them."

And that was true, that you had done that?—Yes, it was true.

Did you tell the inspector about an incident at Milnthorpe, when you had been stopped by the constable?—Yes. He talked so many things, you know. He offered me a lift, and he brought me home, and outside my house he kept me sitting and talking in his car.

On the same day, 10th October, did you go again to the police station later in the day and see Detective-Officer Winstanley?—Yes.

Did you say anything to him about remains having been found in the ravine at Moffat?—No, not actually. The papers published such tales, and one could not help seeing that they were actually associating my name with it. I complained to the detective officer that my name was being associated with the finding of human remains at Moffat. I said, "It is first of all Mrs. Smalley. Are you quite sure you do not want me to —" something like that. I was very excited.

It is common ground that you supplied a description of Mrs. Ruxton and a photograph?—Yes.

On 11th October at 10 a.m., did you again go to the police station and see Detective-Officer Stainton?—I think I saw Mr. Stainton and Mr. Vann.

Did you take with you a *Daily Express*?—Yes. I again protested the same thing, that all this sort of publicity was practically ruining my business.

Was that *Daily Express* dealing with the finding of the remains in the ravine at Moffat?—Yes.

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By Mr. JUSTICE SINGLETON—Was that the one which said they were of a man and woman?—Not by that time. They thought actually it was a man and woman to a certain date, and on the day I was arrested it was most conveniently put into two women.

*Examination continued*—Did you say anything else to the police on 11th October that you can remember?—Yes, I do remember, because I remember, in fact, by that time I was naturally upset myself. I said to myself it could not be my own folks—God forbid! I then saw one body had a complete set of teeth, and when I told them, they asked me to get the particulars of Mary Rogerson's extraction of teeth. Thereupon I went to a certain dentist.

Was anything said that morning about putting a dead baby on the doorstep?—I did say something like that. I said, "To-morrow morning, if somebody pushes a baby on my doorstep, you will hold me responsible for that. It is not a smart sort of work to hold me responsible for everything." I think I did say that.

Did you mention the matter of your hand again to him that morning, and explain how it was done?—Yes. They kept on asking me. They asked me ten times over. Every time, it was a topic.

Whenever you have given your explanation to the police on any occasion, have you given to them the explanation for your hand which you have given to-day?—Yes, quite right.

Were you asked whether you had given any carpets away?—That was asked on the first occasion, on 4th October, all such roundabout questions, and I did say that.

On this day, the 11th, were you asked whether you had given any carpets away?—I think I was asked the second time by another officer.

Did you know whether or not Mrs. Hampshire had delivered to the police the carpets she had taken away, the day before, the 10th?—No, I did not know that.

But you were asked on this day, the 11th, whether you had given any carpets away?—Yes, of course. In fact, I was asked before. I furnished the police with the name of Mrs. Hampshire and her address.

Did you say that you had permitted them to take the carpets away?—Yes. I said, "My servants have also taken away some."

Did you give Mrs. Curwen's name?—They knew my servants' names already.

At any time when the police asked you any questions, did you answer them quite freely?—Yes. I was getting in an annoyed mood.

On the same date, 11th October, about 10 15 a.m., did you

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see Inspector Green about a quarter-past ten?—Yes, I think so. He came in when I was talking to somebody.

Did he say anything about Mary Jane Rogerson?—He said he was making inquiries into the affair of the disappearance of Mary Rogerson.

Did he ask you any particular question about her?—Yes, he asked me, and I directed the whole thing, as to how they got up, and how my wife went.

Did he ask you anything particular about the condition of Mary Rogerson?—Well, he did not actually ask me, but he evidently had gathered from what I had told my Mary's people, and therefore he asked me the question if I thought there was something wrong with our Mary.

He says he asked you the question, "How do you know she was pregnant"?—Yes, it is the fact.

What answer did you make to Inspector Green when he put that question to you?—Well, I told him that I had my doubts. He asked me if I had examined her, and I said no, I had not examined her, but she did appear that way. I must be honest about that.

When he asked you about it, you told him you thought that she might be?—Because she was a bit stout.

Did the inspector ask you upon that occasion at what time Mrs. Ruxton and Mary left the house on the Sunday?—Yes, and I told him, in substance, what I have told to-day.

Did the inspector then ask you a question with regard to what luggage they had?—Yes. He said, "Did you actually see?" I said, "No, I did not see," but it was a little trick of Belle's. Once upon a time also, when she disappeared, she apparently left the house with nothing in hand and afterwards, when I traced her, the whole bag and baggage was in Edinburgh already. I told him I had not actually seen them taking the luggage with them, but when I searched Mrs. Ruxton's room practically everything that was of a good condition was gone and all the old clothes were left behind. I said, "Whether they went to Edinburgh or not I do not know." If they had gone to Edinburgh, there was nothing to prevent at least Mary dropping a postcard to my Elizabeth.

On 11th October, about mid-day or one o'clock, you gave the Chief Constable, Mr. Vann, authority to circulate that photograph of Mary Rogerson?—Yes, I think Mrs. Ruxton as well.\*

At half-past nine that night, did you go across again to the police station?—Yes, Mr. Vann 'phoned me to come.

Did you say anything to the Chief Constable about trying to stop all this business?—Yes, I did.

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\* See Appendix XI.

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"My dear Vann, can't you do something about these newspaper reports?"—Yes, I did say that, because at that time my insurance business was on the verge of maturing.

Did you say anything on that occasion, the 11th, to the Chief Constable about teeth?—Yes.

On that occasion, did you say anything about Bobby Edmondson ruining your home?—Well, naturally I did feel upset and I did mention his name.

By Mr. JUSTICE SINGLETON—Between the disappearance of your wife and 11th October had you seen Bobby Edmondson frequently?—Yes, on two or three occasions. In fact, I asked him some roundabout questions myself, just for my own purposes

*Examination continued*—You never suggested to him that he knew of your wife's disappearance or where she was?—No, I did not actually suggest. What I wanted to find out was why he was talking to me.

The questions that Mr. Edmondson says you asked about, "When are you going to London?" and so on, are true?—Yes because I had my certain purpose for it.

On Saturday, the 12th, the Chief Constable asked you to go across, and when you went across there were there a good many officers?—Yes, there were. He said that he was trying to trace Mary and my Belle and would I care to help him? I said "Certainly, you can ask me anything you like, Chief." There were about seven or eight officers in the room. I made a statement which was taken down in writing.\*

Were you cautioned before that statement was made?—honestly say that I was not cautioned until about after the middle of the first question, when Mr. Stainton said, "Caution, you have forgotten to caution him."

Was the caution, which you say was administered, administered after the statement?—Long after the statement had been signed and read over by me.

Was that statement, Exhibit 208, true?—True in substance, the majority of the questions.

Did you take Exhibit 207, "My Movements,"† with you when you went across on Saturday, the 12th?—Yes. It was lying in my pocket.

Do you remember when you first began to compile this Exhibit 207?—On the Friday morning, the 11th.

Why did you begin to compile and ultimately complete the document headed "My Movements"?—Because the police had asked me so many questions, and my patients who came to the

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\* See Appendix XIII.

† See Appendix XII.

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surgery began to say, "Doctor, we are pleased to see you; we heard you were arrested." All these things upset me, and therefore I began to gather my movements ere I would forget it.

Was that document, Exhibit 207, a true account of your movements?—Yes, at that time. Yes, practically 99.9 per cent., because I could trace it. I had every proof of it.

During the time the statement was taken, which began somewhere about half-past nine on the Saturday night and lasted for many hours, you wanted to go to the lavatory and an officer went with you?—Twice; two officers went with me.

Did you ever make any request to go home?—Yes, I did make a request at a time when the girl who was in charge of my house and my children 'phoned up about midnight, because she knew I was going to the police station. I said, "Now, Chief, I am rather getting tired and I must go home," because I had been two days ago doing regular night work and all that. The Chief kept on saying, "All in good time; all in good time." At two o'clock I said, "It is too much; it is beyond my usual time, and I am too tired." I could not concentrate.

As we know, you were arrested and made the answer that has been read here in this Court?—Yes, and that is a fact.

The next matter that I want to ask about deals with 8th October and Mrs. Ruxton's and Mary Rogerson's clothes?—Yes, the day before I went to my sister-in-law.

You have heard the evidence which was given by Mrs. Curwen that upon that day she brought the clothes into your room and they were put into the suitcase?—Quite right.

What was the purpose upon that day of filling the suitcase with Mrs. Ruxton's clothes?—Well, to be honest about it, at first on that day I thought "I will take all this, bag and baggage, and ask Mrs. Nelson not to come to my house," and then I thought it might precipitate a permanent separation. I was very annoyed and angry with them.

It was your intention to take them to Mrs. Nelson?—Yes. I thought I would teach them a good lesson.

Why did you change your mind?—It is my nature. I always like to be wanting to punish. Then I thought I would not like to do that, and changed my mind.

And the clothes were not taken to Edinburgh, but were left there?—Yes. Regarding Mary Rogerson's clothing, I never touched any of it. I asked Mrs. Curwen, on the contrary, to make up a clean bundle and keep it in the room, because at a later date we might have to give it to her parents, or she might come in to get it herself. I had never given Mary's clothes to anybody.

Did you give some of Mrs. Ruxton's clothing to your charwoman?—Yes, I did. To be honest about it, my wife has a very

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large set of clothing, and every year throughout the last four or five years we have been giving to about 500 or 600 children a children's party twice a year. At one time my Bella used to be helped by some of the elderly people to whom Bella used to give her cast-off clothing, and that is the clothing in that category that was left by Bella, and I said to Mrs. Curwen, "You can have them," but there were two or three sentimental frocks which I had purchased for Bella in the early days of courtship that I did not like to part with.

Why did you give any clothing of Mrs. Ruxton's at that time to the charwoman?—My dear sir, it was very old clothing. It was cast off; it was lying there for two or three years in my house.

Taking the clothing which you gave to the charwoman and the clothing which was in the trunk or suitcase on 8th October preparatory to going to Edinburgh, was there any other clothing possessed by Mrs. Ruxton?—Heaps—heaps. In fact I have bills yet with my solicitor for having purchased £100 worth from Mansergh's. I paid the bill four or five days ago to my solicitor.

Apart from the clothing which has been produced in this Court, was there other clothing possessed by her to your knowledge in which she could have gone away?—Yes, of course she had.

So far as the clothing of Mary Rogerson is concerned, had you at any time any exact knowledge of the clothing possessed by her?—No, I never bothered about my servants' private affairs.

The suitcase that has been produced in Court was one of your suitcases?—Yes.

Did you possess any more suitcases?—Well, we used to have a fibre suitcase, covered with green canvas. There were two small cases like that, made of fibre with a green covering.

Had you seen that suitcase frequently in your house?—Yes, my Bella used it often.

Did you ever see it after Sunday, 15th September?—No.

Evidence has been given that on Wednesday, 18th September, there were three handles of a trunk in the yard. Do you know anything about those?—No, I do not know anything about them.

So far as you are concerned, did you ever burn a suitcase or a trunk in the yard?—No, never. In fact the trunk is still in my house.

Or anything to your knowledge which had handles such as have been described?—I have never burned anything like that.

Mrs. Oxley says that on 12th October you saw her and discussed with her the question about what time you came to see her on Sunday morning, 15th September?—I think I did. I asked my servants when I knew the police were absolutely after my neck—I said, "Mrs. Oxley, these people are after me: do you remember the day I came?"—and I wanted every day to be taken step by step—"Do you remember I came to your house,



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and will you be prepared to swear," and then I distinctly told her, "After Bella left me I nearly came for you again, but I could not be bothered because I had had an accident." I did discuss the matter with my servants and told them, "You all remember it is an open house," because I had been so much harassed by all these rumours. Any man in my position would do the same.

Did you desire that Mrs. Oxley should bear false witness?—No, I have never desired that. I may have spoken and they may have taken it that way, because I may have spoken fast, but I never for a minute desired such a thing. I am not such a foolish man as that.

Did you at any time seek to obtain from these people whom you saw that they should give evidence of what you knew to be false?—No, never, never. Naturally I was that much panic-stricken I had to gather as much material as I could for answering my movements and collaborate it.

Now I want to ask you about the visit to Edinburgh on 9th October. You had written [Exhibit 31] a letter to your sister, Mrs. Nelson, on 6th October, which has been read in full. The letter begins: "My dear sister, I am heart-broken and half-mad. Isabel has again left me. She has done this trick again after about ten months. Do you remember she left me bag and baggage last November, when I came to your house? She told me she was going to Edinburgh to take the sole agency for Lancashire from Mr. Wm. Murphy for his football pools," and so on. Does that refer to the incident when she had gone away?—The last year's incident.

"The most important thing is this, that she is trying to help our maid who is in a certain condition. I hope she does not involve herself into any trouble with the law, because she will be liable for helping her for such affairs." You wrote that?—Yes, of course; I admit it.

Had you anything to support the view that Mary had gone away for such a purpose?—Well, first of all, my own observation, and then what worried me was this, that Bella would never take Mary with us even when I suggested it on previous occasions, and then I wondered why all of a sudden Bella should be so anxious to take Mary with her. When I asked Mrs. Curwen, "Do you think there is something wrong with our Mary?" she did look a little stouter, as I could see from my own observation, but I could not say on oath that Mary was actually pregnant or was not. That was my opinion at that time.

You wrote another letter dated 8th October [Exhibit 33]: "All I wanted you to do was to persuade Belle once more, as you did last year, to come back to me and the children. . . . I know Isabel a little better than any other person. She will never

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be happy anywhere the way she has left me and the children"?—Yes, I would say that.

"If you are intentionally helping your sister to keep away from me by listening to her one-sided story, I want you to hear my story, which I can prove by documents. Then if you feel satisfied that there is just grievance on my part, you can ask your sister to go back to me." Did you think when you wrote that letter that your sister could be of assistance to you?—Yes, because she had done so previously. On a previous occasion Bella left me and went to Edinburgh.

Is it the fact that Mrs. Nelson persuaded her to go back as she told us and you were asking her to do it again?—Yes.

Did Mrs. Ruxton have something that could be properly described as an accident in 1932?—Yes, of course it was an accident.

Tell my lord and the jury quite shortly and simply what it was?—You see, my Bella was about full-time gone. By that time we had already had two children born in England. My mother-in-law was alive, and it was always the wish of mother-in-law that we should have at least one child born in Scotland. So we were to go the next day, which was a Monday, to Scotland. At that time I was very busy with a certain case and doing night work and was very much tired, and I used to sleep in the same bed practically with Mrs. Ruxton, and when I turned Belle was not in the room. I found my poor Belle had fallen down; I helped her and brought her to her room. Soon after that—it was getting a little bit early morning—a stillborn child was born, and then she began to bleed, more on each occasion, and I 'phoned up my friend Dr. Mather.

Was there any blood anywhere in consequence of that happening?—Yes, a fair amount of blood, and the servants afterwards changed the carpets. I remember it very well. In fact that carpet is still in that house.

Was there any blood from the place Mrs. Ruxton had fallen to the place in the bedroom?—Actually I did not care at that particular time to notice the blood. I was more interested in my wife, but when I saw her—well, my Bella was in a pool of blood, because I knew her nightdress and everything was all soiled. That falling down precipitated the birth.

But, after the doctors had been, did you observe whether or not there was blood anywhere upon the staircase?—There was blood on the carpet outside the bathroom, because I remember very well that when Bella got well and got up she tossed away the carpet.

With regard to the stair pads [Exhibit 40], Mrs. Hampshire says these five pads were taken by her from the waiting-room on Sunday, 15th September?—Yes, I think they must have been.



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*Kenstone*



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Did you put them there?—I think I may have done so, yes.

Were there any more stair pads other than those five which you saw?—There might be, because I think there were some more in the house, but I do not know where they are. I never counted everything in detail in the house.

Had you at any time destroyed any stair pads?—No, never. I never destroyed a single carpet. I gave it all to my servants and Mrs. Hampshire.

Taking those five stair pads, which, according to Professor Glaister, bore evidence of blood-staining, did you observe that they were blood-stained on Sunday, 15th September?—Yes, I did, because once a year, when Bella used to get the carpets cleaned and brushed up, I had noticed on one or two occasions.

Can you tell us under which stair carpet those particular five pads went?—I could not, to be precise. How it happened was this: when we came to Dalton Square in 1930 I took over the house from my predecessor and I took over certain furnishings, curtains, blinds, and stair carpets from him, and these things originally belonged to him. Then it was getting worn out, and my Bella suggested we would put treads beneath that portion of the carpet which was practically getting done, but because we had young children in the house who were always making a mess we did not buy new carpets.

To your knowledge were there stair pads on the top flight from the landing down?—I could not tell you, because on the top flight we had plain blue carpets, and I think they are in good condition, so it could not be. In fact I used to joke with Mrs. Ruxton: "Queen Anne in front and Mary Ann behind."

When those stair pads were in the waiting-room on the Sunday, you say you noticed the blood. Had you noticed that blood before?—Yes, at least a year ago, because I remember myself and Bella going to Edinburgh for a day or two's trip, and when we came back that time the servants had made some plans on their own and changed the things.

You remember seeing Mrs. Rogerson?—Yes.

She says it was some time about a fortnight after she had last seen Mary?—When I went to Mrs. Rogerson it was a certain Wednesday.

Why did you go to Mrs. Rogerson?—Mary's brother had been to my house and had given a message to Mrs. Philbrook who was in charge of my children, that his father would like to see me.

Mrs. Rogerson says you said you had come to see about Mary and that she asked if you knew where she was?—Yes. I said to Mrs. Rogerson, "Has your daughter by any chance taken you into her confidence? Is there anything wrong with Mary, because she has been different lately?" She said, "Not that I know of. What are you driving at?" I said, "I do not want

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to cast aspersions on anybody's daughter, because I have two daughters of my own, but I have a little reason to suspect something like that." She said, "You had better come and see her father about it." I said that I would, and I saw him the same night.

You told him, did you not, that your belief was that Mary was pregnant?—Yes, I did not actually say that: but well, I had my suspicions.

Did Mr. Rogerson say to you on that occasion, "If Mary is not brought back here by Saturday night I shall go to the police"?—Yes, I think he did say those words. I said, "Do not get excited about it and go to the police, because it would affect me as she has gone with my wife. I am going to my sister-in-law and I will get everything cleared up, and your daughter will be quite safe and sound." Supposing he went to the police and made a fuss and she afterwards turned up, what would be my position in Lancaster? It would be something in the mouths of the people to talk about.

Let me go back to Mrs. Rogerson, because you had another interview with her?—Yes, she came to my house.

She says that you said that Mary, in conjunction with Mrs. Ruxton, had been deceiving you?—I think I did say that.

And that you sometimes felt you could choke them both?—I may have used that expression in a temper, because I did not like the treatment they had given to me, leaving me in the house and not dropping a line. I think I would say that in a passion, but I never meant anything like that.

And that after that she said, "No, no, I hope you would not choke Mary," and you said, "No, no. I am frantic"?—Yes, I think I did say those words, but never meant it.

When you saw Mrs. Rogerson on that occasion, were you upset at the continued absence of Mrs. Ruxton?—Yes, not only Mrs. Ruxton's absence, but I felt heartbroken because Mary was dear to my own heart as my own children, and she never dropped a postcard to my children, and she always previously lived for my children.

Did you ever say to anybody, "They have gone to Blackpool"?—No, I mentioned the word "Blackpool" to my friend, Mr. Harrison, but that was in relation to a different matter altogether.

There had been a customary visit to Blackpool?—Yes, because myself and wife and the Harrisons used to go every year to Blackpool on the same day that Isobel's sister used to come to Blackpool on a charabanc trip. On the Sunday when Harrison came, I told him the gist of the conversation, that Bella had been to Blackpool this year without me and without the Harrisons, but I did not say that Isobel is in Blackpool at that very minute.

So far as Mrs. Ruxton is concerned, did you do any violence

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of any kind to her on the morning of Sunday?—Never, never, never, sir.

If she was strangled, had you any part or lot in it?—Sir, I have never done it. It is a fact that Isabel did leave the house on Sunday morning.

So far as Mary Rogerson is concerned, did you do any violence to Mary Rogerson?—Sir, let alone doing it, I have not thought of it. That child was dear to my heart.

That morning of 15th September—none?—Mary has always been a dear child to my heart. Never regarded as a servant—always one of the family. I always called her “My Mary.”

If Mary Rogerson is dead, had you any part or lot in bringing about her death?—Certainly not—a most ridiculous thing to suggest.

Apart from what you have told my lord and the jury of their departure on the morning of Sunday, 15th September, do you know anything else about their disappearance?—No, I do not know anything about their disappearance apart from their going.

Cross-examined by Mr. JACKSON—I understand Mary was very dear to your heart and you were always very good to her?—Yes.

And was she a very loyal girl?—Yes, I could stake my reputation on it.

One who would never allow any harm to come to her mistress?—Well, of course Mary was not primarily meant for Bella, but only for my children.

Was she loyal to her mistress?—Yes, loyal to everybody. Mary was a good girl altogether, a 100 per cent. girl.

Was Mary the sort of girl who would stand by her mistress and defend her if she was attacked?—Yes, and would have stood by her master as well or the children.

She would stand by you, would she?—Yes, I am quite sure.

Why is she not standing by you to-day if she is alive?—I am very sorry I cannot fathom the workings of Providence. I cannot answer that, but my opinion of Mary is, she has always been a good girl.

Before I go any further, did I hear you say you always referred to her as “My Mary” and never as “Our maid”?—Yes, I do admit it. I do not suggest anything wrong in it. I would not let anybody suggest anything immoral about it.

Look at Exhibit 31, the letter which you wrote to Mrs. Nelson in Scotland, where you refer to Mary being in trouble: “The most important thing is this, that she is trying to help our maid”?—Well, in written language——

A moment ago you told the jury that never did you ever——?—Well, I would not like to commit it to never in the most literal sense, but in general parlance. That is what I do not like about

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this matter, you are taking me in every way literally to the last core.

In your diaries you used to keep a close note of your movements throughout the year?—Practically, yes.

Do you realize how important it would be to have your diary for 1935 up to the time of the disappearance of your wife?—Yes, but in fact my Isabel one day saw me making an entry after she came from Edinburgh, and soon after that that diary disappeared.

So Mrs. Ruxton had got rid of your diary?—Well, put it any way you like. I am very sorry about it.

Let me ask you about something else that is missing. Why throw away a full tin of peaches?—Because I could not open it.

But somebody else can open it at some other time?—It was done in a thoughtless manner. I was an aimless man at that time.

You threw away the tin-opener?—Because it was rather a dangerous thing.

How many years do you say you had had it?—I do not know how many years, but I remember my Bella bringing it from Edinburgh when we started our home in Lancaster.

Did you hear my learned friend asking one of the medical witnesses for the prosecution with regard to the cutting up of those bodies, whether it would require two knives?—I think it would require—if you would give me an idea of the remains, as a medical man I could give some opinion. It has always been my desire, but the prosecution and police have never allowed me to do that.

Do you realize this, that so far as your surgery is concerned you had no knives?—You see, I have never done major operations in my surgery.

You never had any knives?—I never had any occasion to do any major surgery.

What knives had you got?—I usually used a scalpel—a handle into which you can fit a blade. You can buy those blades in packets—a slip-on knife.

Have you a slip-on knife?—Yes, I have.

Where was it in your instruments?—In a wooden box, in my midwifery bag.

I suggest there was no knife there?—I emphatically say it must be in my house.

As a matter of fact when you took over this practice, did you not take over as part of the instruments a slip-on knife?—No, the slip-on knife is a thing I have bought myself.

Bought yourself?—Yes, I think so, because the other doctor was a physician, but there is a certain box of trephining instruments in my house.

Did you make any inventory of the things you took over?—No, I took over through a solicitor. I paid him £50 for the furniture



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and everything. An inventory has never been taken, never of the drug stores and never of the instruments. The majority of the instruments have been purchased by myself through the Holborn Surgical Instrument Company.

Did you never make any list of them?—No, but when my house was insured a casual valuation was done for £150.

Will you look at that document. What is the first instrument mentioned there?—Slip-on knives. It is in my house; I do admit it. Every doctor has it.

When did you make that list out?—This is an old list when I bought my branch surgery in 1934.

How many blades had you for that knife?—Six.

And are they kept razor sharp?—They are usually sharp, yes.

Are you a very emotional man and a man of very short temper?—Not actually emotional in the sense you are suggesting—rather quick tempered.

Do you lose absolute control of yourself when you get in a temper?—No, I would not say that, but, naturally, if somebody is trying to deceive me I can see through it much quicker than a man of ordinary intelligence.

See if I took down a sentence of yours correctly, “My nature is to want to punish”?—My nature is not to want to punish—punish in the sense of chastise.

Is not that what you said a few moments ago when you were giving your evidence, “My nature is to want to punish”?—You are intentionally playing upon the words in the literal sense when I have used them in a broad sense. When I referred to taking my Belle’s clothes, I just wanted to punish her and teach her a lesson.

Your words were, “My nature is to punish”?—If you are trying to intentionally harp upon the words I am sorry to differ from you. My diaries will show you my love for my wife. This is misguiding the jury.

Did you think your wife was unfaithful to you?—I did think so, yes, but it was not the first occasion, mind you. If you refer to my diaries it will be recorded even in 1932.

Then we may take it that you have for a considerable time thought your wife unfaithful?—Isabel has done some silly things which would not be done by a sensible woman—put it that way. I have not actually seen misconduct, her actions could be rather misinterpreted—put it that way—but that is all forgiven and forgotten.

You believed her unfaithful. Did you believe her unfaithful with young Edmondson?—I will only say I am on oath in this box, and therefore I can only say that which I can prove, but certainly Isabel did give me strong cause to suspect.

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Do you believe it now?—Well, at no time actual misconduct, but I do believe her affections were transferred.

By Mr. JUSTICE SINGLETON—"At no time have I believed actual misconduct"—is that right?—I could not say so much, but one day Isabel has told me something of which you will find reference in my diary.

*Cross-examination continued*—You remember Mrs. Ruxton going to Edinburgh the week before she disappeared, and you followed in a car?—Yes, I did.

Did you call at the hotel next morning?—I did.

Did you tell the police afterwards, or anyone afterwards, that they had stayed together in the same room as "Mr. and Mrs. Ruxton"?—No, I did not say they had stayed in the same room. I said they stayed in adjoining rooms.

Did you believe then there was no misconduct?—I did not actually believe the misconduct.

Did you ever say they had stayed there together in the one room?—No, never. I never said that to anybody. In the same hotel.

Do you believe they did occupy one room, or visit one another's rooms?—No, certainly not, because I had the bill in my own hand.

Did you ever say they had visited one another's room?—I could not say they had because I could not prove it and it would not be truthful.

What was your idea in following them?—To get some concrete proof so that I could take a concrete case to my sister-in-law, Mrs. Nelson, to give Isabella a good checking.

A concrete case of what?—Mrs. Nelson never believed that Isabel was rather—well, fast—not as affectionate as she should be. She said, "No, it is a mistake; it is her temperament," and I thought if I could get a concrete case to Mrs. Nelson then—

By Mr. JUSTICE SINGLETON—A concrete case of what?—Of Mrs. Ruxton going away and staying with Edmondson in the same hotel after telling me she was going to her sister's.

*Cross-examination continued*—What do you think if a married woman goes away with a young man and stays in a hotel?—Well, I was not actually thinking anything; but, pardon me, what is the object of Isabel telling me she was going to her sister and then not going? Moreover, when I said to her, "Isabel, where have you been?" she said, "Yes, I stayed at my sister's."

Did you say to Mrs. Hampshire, "I can forgive extravagance and other things, but infidelity never"?—No, I did not say that to Mrs. Hampshire. I have never discussed that affair with Mrs. Hampshire.

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Have you ever said that to anybody?—No, not that way, because it is too intimate a matter.

In what way have you spoken about infidelity?—I have spoken to Mrs. Nelson on many occasions about it, and Mrs. French, because they are sisters and old enough to be her mother.

Were you speaking to them of infidelity?—Yes, on many occasions.

Whose infidelity?—Isabel's—infidelity in the sense of transferring her affections. I did not actually mean regular actual misconduct of a sexual nature—certainly not. It does not require action. One could be unfaithful even in thought. If I could speak my language—

Did you say to Mr. Howson, the hairdresser, on 12th October, when you asked if you could see him privately, and he took you into a back room, that you had found out that your wife had been away with another man?—Well, I did say something like that.

What was the suggestion behind it?—Because at that time I was very much depressed, the way I was treated. I must be very frank; I did say something like that.

When she came back from Edinburgh on 7th September were not you satisfied in your own mind that your wife was unfaithful?—No, I would not say that.

What would you say?—It was Isabel's nature, her way of doing things which would be very highly misinterpreted, and mind you, though we oftentimes quarrelled it was only in the wind. It may be her nature. She was quick tempered and I am quick tempered. If you ask her she will tell you herself.

Did Miss Philbrook come to look after your children?—Yes.

She has sworn that you said to her, "I know my wife was unfaithful. I can believe it of her, leaving me, but not of Mary"?—Yes, in the sense that there was no letter, and not a single word as to where they were, and not a line to my Elizabeth.

I suggest that is what that means, infidelity—unfaithfulness?—You are using the word "unfaithful" in the practical sense. To my mind and knowledge of standard of morality, it is just as bad to be a sinner by having a bad thought as to do the action.

Have you said to anyone you would be justified in murdering her because she had been unfaithful?—No, I have not said that. Detective Thompson is mistaken in that. I said it would make a man feel like murder—something like that. It was all said in a passion. I do admit something like that—my blood boiled, or something like that. I do not actually remember the words.

Have you ever mentioned at any time the method that you would use if you killed anybody?—Never. Let alone doing it, I never thought even of doing bodily harm to my Bella.

Have you never said you could choke them?—That is in

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general conversation to Mr. Rogerson, but if you apply the real meaning literally, it is far-fetched.

Do you remember your wife going away the week after she had had that visit to Scotland?—On 14th September my wife went to Blackpool.

Did you think she was going to meet Edmondson that night?—No, because Mrs. Nelson was in Blackpool and therefore it would not be possible for her, even if she wanted to, therefore it was the furthest thing from my mind.

Did you not think, when she came back in the early hours of that next morning, that she had been with Edmondson?—No. If I mistake not, I could not think that or harbour such a thought because I had seen Edmondson's car somewhere in town after Bella left.

Do you believe that Edmondson has ever been unfaithful with your wife? I want yes or no?—I still maintain that I do not believe actual misconduct has taken place. I should be fair to both of them, because I can only speak to what I am in a position to prove, but I want to stretch a point further. As I have always maintained, it does not require the actual act. A thought of doing wrong, to my mind, is just as bad as having done the action. Do you not think so yourself? That is the real standard of morality.

That is your answer: the most you put against him is he may have thought of it?—Well, I have always been hurt about that with my Bella. It has always been a sort of quarrel which we have always made up. I would not attach any great importance to it in an exaggerated tone. You can refer to my diary, where we have quarrelled and made it up in two hours and I have given her a substantial present. I can trace my cheques.

You saw young Edmondson on several occasions after the disappearance of your wife?—Yes.

Were you on perfectly friendly terms with him?—Well, friendly terms—I was doing a little detective work on him to find out when he was going to London.

Would you mind answering the question. Were you on perfectly friendly terms with him?—I would not say actually I was in love with him, but I was on friendly terms.

Did you quarrel with him?—No, certainly not. Two professional men would not do that.

Did you suggest to young Edmondson that there was anything between your wife and him?—No, but I did suggest to Edmondson's father on the Sunday before I was arrested. When I came to the house of Mr. Harrison, he said that probably Edmondson was in Edinburgh. I said, "That is very strange. Mrs. Ruxton is in Edinburgh," and I went to Edmondson's father and broke down and told him, "It is my wife and your son "

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If I understand your story, you were in the bathroom when she left and she tapped on the door and said, "Well, we are off, dear"?—Yes, something like that.

Quite friendly?—Yes, quite friendly, though I was a bit annoyed because she changed her mind, but it was only a temporary annoyance.

Have you been able to find one single person who ever saw your wife or Mary Rogerson leave your house on that morning?—I myself have made inquiries and have got inquiries made.

And not a single soul has been found who saw them?—Yes, my solicitor after my arrest got a letter from a lady who had written to him and to me.

Is she here in Court?—That has nothing to do with me.

Is there any truth in what Eliza Hunter says, that she found you holding your wife down on the bed?—I would not like to answer this in open Court. Myself and Mrs. Ruxton have been so much affectionate that it was exactly the reverse of what Eliza says happened.

Did you see that girl in the box?—Yes.

Did you see how distressed she was?—I do not attach any importance to that.

Did you see how she put her hands to show how you had got your wife by the throat?—May I ask a question? *This* is the door of the room: I am with my Bella. How can she see through my back what I am doing with my hands?

Is it untrue?—Definitely untrue. On the contrary we were lovemaking.

On another occasion she says she came because she heard your wife shout in the kitchen?—Yes.

You are not loving your wife in the kitchen, are you?—Certainly not.

When that girl came in, did your wife say, "He's had a knife at my throat"?—I have never had a knife at my Bella.

Listen to the question. Did Mrs. Ruxton say to that maid, "He's had a knife at my throat"?—No.

Nothing like that?—I will tell you why. That particular knife she refers to, that she calls a white knife, was given to me latterly by a friend as a present, and therefore Eliza is very much mistaken. Besides, she told a different story in the Police Court. She told a deliberate lie in the Police Court: first of all, that she left, and then she had to admit that for certain reasons she was dismissed by Mrs. Ruxton.

Tell me about the revolver. It is not for use in any way?—No, that is a trophy of my war service.

Did you have any cartridges for it?—Certain cartridges were submitted to the Edinburgh police, and certain cartridges were

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kept in a Louis XV cabinet as an open show in the drawing-room and they must be still there.

Were they cartridges which fitted that revolver?—Yes. I am a commissioned officer. I can keep it. There is nothing wrong about it, but that revolver has never been fired.

Vera Shelton has spoken to an incident between eleven and twelve o'clock at night when she heard Mrs. Ruxton call out, and she went into the bedroom, and that Mrs. Ruxton appealed to her to get you off her. Is that true?—No, and she said the telephone was broken to pieces.

And you thereupon left the room and called your wife a dirty prostitute?—No, I have never actually called her. On one or two occasions I did use this expression because I had unfortunately found Mrs. Ruxton's photograph and Bobby's photograph together, and unfortunately I did use that word, but I did not actually call her that word. I did say the meaning of that word. One allegation she made in the open Court was that the quarrelling was such a frantic thing that the telephone was broken to pieces. May I humbly suggest that the Post Office from Preston will satisfy you that never on a single occasion has Dr. Ruxton's 'phone been broken.

Do I understand you to say with regard to Vera Shelton's evidence that it is a deliberate lie?—I could not put it any other way. I will put it "mistaken," if you object to the word "lie." It is not true.

Mrs. Oxley used to come to your house every Sunday?—Of course she did.

That Sunday morning your wife and Mary had gone away?—Yes. You are referring to 15th of September?

Yes. You were left with three young children in the house?—Yes.

Your hand was cut and you could not prepare breakfast for them?—Yes.

Was not Mrs. Oxley the one person in the world you would have wanted to have there in the ordinary way?—My dear friend, I immediately went to Mrs. Anderson.

Why?—I cannot explain why, if we do certain things on the spur of the moment.

You did not have Mrs. Hampshire until four o'clock in the afternoon? Did the three children get any breakfast at all?—They had milk.

Was there not a table set with a meal for two?—That meal was not observed by me until I went to the lounge after I came from Mrs. Anderson's house, and when I came from Mrs. Anderson's house I do remember I went to Mr. Oxley's and came home and sat in the lounge room with the wireless on.

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Why did you go so early as half-past six on a Sunday morning to stop Mrs. Oxley?—My Bella asked me to go.

Had you ever gone at that time before?—In fact, I did not know her address. It was Bella that gave me the address of Mrs. Oxley.

If you were going to pull carpets up on that Sunday morning, that charlady would have been a very useful person to have there?—It is not a very difficult operation, because Mary had done half the carpets already. The only thing that is required is to take out the stair rods and simply roll up the carpet—an operation of one minute.

Having stopped Mrs. Oxley from coming, why did you leave it until four o'clock in the afternoon before you went and brought Mrs. Hampshire?—I did not actually leave it. I had done it early morning soon after Bella and Mary had gone. By the time Mrs. Hampshire came to my house the carpets—

What time did you pull up the carpets?—I do not actually know the time, but if I went to Mrs. Anderson at half-past eleven it would be half an hour earlier—something like that.

Are you sure about that?—Because round about that time I went to the garage and Mr. Waites filled my car with petrol, and then I went to Mrs. Anderson's. It is a rough estimate of time.

May we take it you started to pull the carpets up just before eleven?—You can put it any way you like. It is an operation that took only one or two minutes.

May we take it that you started this job of pulling up the carpets when your hand was very badly wounded?—Oh, much after.

Why pull up carpets when you have a very badly cut hand and there are three charwomen who could have done it?—You are mistaken. My Mary had already started doing that job on the Saturday night previous.

But I have asked you very carefully as to when on that Sunday morning you started to pull up carpets and you have told us it was just before eleven o'clock. What time was your hand cut?—My hand was cut soon after 9.30, because I remember Mrs. Hindson came soon after Bella went—put it that way. Mrs. Hindson, the milkwoman, came about ten o'clock, at a rough estimate, and at that time my hand was already cut when Mrs. Hindson came.

Do you remember Miss Roberts coming that morning with the newspapers?—I do not remember.

Your hand was not cut then?—I do not remember seeing Miss Roberts at all. Mrs. Hindson is the woman I remember very well and Mrs. Whiteside.

You had for some time been taking in the *Sunday Graphic*?

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—Yes, my Isabel has been taking it for the sake of the “Bullets” and competitions.

Did you get one on 15th September?—Yes, I think it was in the house.

Can you tell us what happened to that copy of the *Sunday Graphic*?—It must be in my house, because the *Sunday Graphic* was only bought for competition purposes.

Has your solicitor had charge of the house?—For one month and a half after I was arrested the police had control of the house and would not let my solicitor go there.

Do you not know that your solicitor had free access to that house at any time since your arrest by simply applying to the police?—That I do not know, but I was given to understand by my solicitors that they obtained possession after about a month or a month and a half.

Did you get Mrs. Hampshire to wash the stairs down?—I did not actually ask her. My main purpose was asking her to come to the house and just sit down.

Did she wash down the stairs from top to bottom?—That is what she told me, but I could see she had done it. I did not actually ask her to do it. I simply did say—I will admit it—“Do a little tidying up if you can, but do not go out of your way.”

If you are going to strip walls, do you wash the floor beforehand?—No, you are mistaken there. When the carpets are taken away naturally the dust and all the things have collected *ipso facto* under the carpets. The carpets having lain for so many months it would make the woodwork rather shabby.

And then start to strip the walls on the clean staircase?—It had to be kept clean. My Billy had been playing at all sorts of things. I did not expressly and specifically ask her to do that.

Did you pay her 7s. 6d.?—I have not given her a single penny. Did you tell her you would give her 7s. 6d.?—I did not say I would give her 7s. 6d. I said, “I shall adequately appreciate your trouble.”

You would want considerable work from a charwoman coming in for the day at four o'clock in the afternoon for 7s. 6d.?—I never meant Mrs. Hampshire to do any work. I would not do it on a point of principle, because she is first and foremost my panel patient, a case of heart disease; therefore I would not allow her to do it, and she knows it very well.

The Court adjourned.



# Buck Ruxton.

Dr. Buck Ruxton

## Tenth Day—Thursday, 12th March, 1936.

BUCK RUXTON (recalled) *cross-examination continued*—Dr. Ruxton, I was asking you about Sunday morning, 15th September. Were you in the house early that Sunday morning between nine and ten o'clock?—Yes.

Do you remember Miss Roberts calling?—No.

She tells us she rang three times before she got any reply?—I have no knowledge of that. I might be upstairs.

Did you not come down to her?—No, I do not recollect coming down to Miss Roberts.

She tells us you opened the door just a little way and that she apologized to you for disturbing you?—I do not recollect that.

She has told us this, that you told her, "The maid is away with my wife in Scotland"?—I do not recollect having told anything to Miss Roberts. I remember the milkwoman very well.

You surely would not forget that?—No, I am very sorry, but I do not recollect that at all. I do not think I saw Miss Roberts at all.

She says you were very agitated. What had you got to be agitated about at nine o'clock in the morning?—At nine o'clock in the morning? It could not be because Bella left pretty well after nine o'clock. I am telling you I never saw Miss Roberts, if I may politely say so.

May I suggest a reason why it took you so long to answer that door; that you were busy cutting up the bodies of your wife and Mary Rogerson?—May I respectfully say my three children were in the house with me at that time.

This is nine o'clock in the morning. What time did your children get up?—I woke them up soon after Bella left.

After 9.30?—Between 9.15 and 9.30.

You had the whole of the night until your children got up?—How can I have the whole of the night—

With your wife and Mary Rogerson in the house alive or dead?—Of course, my Bella came to my room about a quarter-past six. That is quite right. I do not deny it.

Do you remember Mrs. Hindson calling at ten o'clock?—The milkwoman, yes.

Did you tell her with regard to your hand that you had jammed it?—I am very sorry to say she is mistaken. I may have used the word "jabbed." I did not use the word "jammed." It is rather playing upon the word. You know my way of speaking and her way of hearing, and she may have been a little mistaken in her ideas.

She goes further than that. She says you told her this, "My

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wife has gone away with the children"?—I could not say that because the children were playing about.

May I take it you say what she says is untrue?—It ought to be untrue because my children were playing on the stairs.

In the statement you made did you say the children were upstairs asleep at the time?—Not at ten o'clock, certainly not. Bella would leave round about nine and I would go into the room and get the children up.

Where were you at 10.15?—I could not actually say at 10.15, because I did not make a note of the time.

Were you in the house?—I was in the house. There is no doubt about that.

Then the boy Partridge delivered a paper?—I have seen him for the first time here.

He knocked a number of times and could get no reply?—Quite.

Were you too busy to come downstairs?—I may have been dressing. He could not have knocked in a loud tone.

Let me read to you what you said. This is your own statement. "I came out of the bathroom and peeped through the glass door to see my car was still there. It was there. It was then about 9.30 a.m. and the milkwoman came a little after. She usually comes about ten o'clock. I went to Mrs. Ruxton's room and laid myself on her bed as the children still there and by that time and this shows her dirty mind as she let the children sleep"?—Quite right. What I meant was that Isabella meant to go out with me and the children. She would be careful enough to wake up the children and dress them.

When was it your three children started playing about the stairs?—I could not actually take an inventory of the time of all that.

When was it your little boy started to strew straw on the stairs?—The children got up about 9.30. I went to the bedroom. They must have come down. I did not come back into the room.

Did you not notice the straw had been strewn about?—I would not take particular notice. I do remember my Billy has a little trick of playing with those things, but surely to goodness no one would expect me to take an inventory of all these happenings.

At 10.30 you went out to purchase two cans of petrol?—Certainly not, not at 10.30. It was much later. At eleven o'clock I was in the house and I took Mrs. Whiteside in.

I suggest you got your petrol before that. Have you ever brought tins of petrol into the house on a Sunday?—Wait a minute, sir. You say I got the petrol at 10.30. The petrol man will give evidence there was no one in the car when I bought the petrol. I could not in all honesty and fairness leave my three children in the house alone. It would be an impossibility.

Have you ever brought tins of petrol into your house on a

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Sunday before?—It might not have been actually Sunday. I have brought it in on many occasions.

What was the great urgency for the petrol?—Because I could not find the usual petrol that is always in the house. It is the custom in the house ever since I came to Lancaster to keep a little bit of petrol in the yard for burning dressings and things, and when I could not find the petrol I wanted for burning my dressings I bought petrol, and that I bought on my way home from the Andersons after leaving my children there. It would be getting on for twelve o'clock noon at that time and Mr. Waites will tell you no one was in the car with me.

Did you go to another garage the same day and buy four other gallons?—That petrol was bought by me from Mr. Waites at my garage to put in the car because of Bella having used the car the previous Saturday there was very little petrol left in the car.

Why did you go to two different garages?—At that time I did not think at the moment after getting my car filled up because my Bella or someone wanted some and just momentarily——

Do you remember Mrs. Whiteside calling?—Yes, I remember very well.

Did you say to her there was just yourself and your little maid in the house and you were busy taking up the carpets?—I would like to emphasize I did not say "my maid," and suppose I did, why should I use the word "little" for the maid? If, in fact, I used the word "little," I said "little mite," and there it might have been a mistake by hearing.

Did you say anything to her about you and your maid taking up the carpets?—Certainly not. I made a general remark, "I am very sorry, Mrs. Whiteside," because it was the second time.

The carpets were being taken up for the decorators?—The carpets were taken up.

Did you inform any of the three charwomen that the decorators were coming on the Monday?—They knew it.

Will you answer my question. Did you ever inform them?—Inform them what time? Are you meaning what day?

Before the Monday?—Before Monday—to whom? My Bella was in the house and I never took any part in the running of the house. Mrs. Ruxton was running the house and she is the mistress of the house.

You had not informed them?—I never talk to my servants when my wife is in the house and no sensible husband ought to. My wife is the mistress of the house and I am only an outside man.

Did I understand you to say yesterday you could not have driven to Moffat on account of your hand?—Yes, certainly. It would be very difficult; it would take a long time. That is what I mean.

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You could take up the carpet with an injured hand?—My dear friend, taking up the carpet is something like taking this up and throwing it away. [Witness picked up the Testament.]

You drove to Morecambe on that night?—Of course I did. I had to go very slowly and drive with my left hand.

Did you buy a tin of petrol on that day?—The man put it in the car.

Did you pick it up?—Certainly, I did with my left hand. That is an easy thing. I could go to the North Pole in a motor car, but it would take time and I would go slowly. That is my point. I was driving the car with my left hand which is not my usual way of driving.

At 11.30 that morning you took your children to Mrs. Anderson's?—Round about 11.30 I should say because at eleven o'clock Mrs. Whiteside came.

You took them to Mrs. Anderson's that morning. Have you taken them to Mrs. Anderson's before?—Many and many a time.

To sleep?—Not actually to sleep, but Mrs. Anderson offered, my dear sir. When I took my children at 11.30, if I had had a dirty thought of taking my children out of my way I should have taken their dresses and everything and forced my children on Mrs. Anderson. When I went about five o'clock she offered and I said, "Thank you, that is very good of you, Mrs. Anderson. In that event I will have to make some arrangement for the children's dresses," and that is why I came back for the children's dresses. If Mrs. Hampshire is honest enough to admit that, she will admit that because she was in the house at the time.

Was your hand badly cut?—Yes, I should say it was.

With a tendon severed in the little finger?—Yes.

You would know as a doctor that this ought to be sutured or sewn together?—It all depends. It is a matter of opinion. There is a chance if you have a deep suture if it goes septic and it touches the bone it might lead to blood poisoning and it would mean the amputation of the finger. My object was to get it healed. The æsthetic part was more necessary to a man in my position than the utility part because I am actually not a practising surgeon. I am a physician foremost.

How many other doctors are there within 100 yards of your house?—Many of them.

Known to you?—Certainly, but I was treating it myself. There is nothing in that—I have treated my own wife.

You could not suture it?—It would depend on the line of treatment you wish to adopt. I am welcome to my own opinion.

Will you hold it up to show where the cut is?—I am glad you have asked me to do that.

MR. JUSTICE SINGLETON—Did you have any treatment?—I treated it myself.

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Did you have any treatment from any other doctor?—No.

*Cross-examination continued*—As a matter of fact through your neglect to do that, have you lost the use of that finger altogether?—Certainly not. There is no loss of it. It is perfectly æsthetic.

Can you bend it?—As a medical man, one must sacrifice a little utility for the sake of æsthetic purposes.

Can you bend that finger now?—I can bend it in the sense that I can use it that way [indicating].

Is it greatly restricted?—Fairly restricted, but not very restricted.

Why, if you had nothing to hide, did you not go across to one of the doctors or ring one up to come in?—I could have done so if I wanted to. I could have gone and given some explanation if there was something in it, if I had a guilty mind.

You took your children round to Mrs. Anderson's about 11.30?—I did.

Did they sleep each night at Mrs. Anderson's right up to Thursday, the 19th?—On the Sunday night the children did sleep in Mrs. Anderson's house, and I think the children did sleep there on the Monday night as well.

On the Sunday where did you sleep?—In my Isabella's room, in the children's room.

Why?—We have got a 'phone in the house in my consulting-room and a 'phone in the top bedroom which is usually my Isabella's and the children's bedroom. If any call comes I cannot hear, and Isabella answers the night calls and lets me know; but there being nobody in the house I had to change my place of sleeping from my usual room to my children's and Isabella's room because the night 'phone is installed there.

Sunday night, Monday night, Tuesday night, Wednesday night?—Practically every day.

On all these nights, did you sleep in the room that had been your wife's?—I had to sleep there because there is the 'phone there.

Was your bedroom door locked all the time?—My bedroom door was kept locked, but not actually in the sense you mean kept locked, strictly locked up.

Did anyone make up your bed during those four nights?—Someone must have done because in the morning my door was always kept open as long as I was in the house. Actually, when I went out, I took care to see the room was locked.

Did any of those people who came to your house, Mrs. Hampshire, for instance?—I do not think Mrs Hampshire did.

Mrs. Oxley, Mrs. Smith, and Mrs. Curwen—did any one of those enter your bedroom to your knowledge during those four days?—They must have done.

To your knowledge?—No, not to my knowledge, but they have

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seen me go to my room. The fact is, when they wanted money for the housekeeping or something like that I would say, "All right, I will give it to you." They were on the landing and I opened the bedroom door and in their presence the door was wide open and I would go to my cash box and they would see me take the money out. They would see me go to my room, and they should be honest enough to admit that. They are intentionally putting a wrong construction on it.

With regard to the locking of the doors, the first time it is ever suggested the door was unlocked was on the Thursday?—Every time I go out of that house my bedroom door is kept locked. In the morning it is open for the servants to go in or out.

When was the smell in the house?—The smell in the house started from the time Mrs. Smith came and stripped the wall. I told you the smell had gone through the whole house.

What day was it you sent her out to buy a syringe?—Actually I asked her to buy that on the Friday, I think.

Was that because the smell was so bad?—We used to keep a small spray, and I told Mrs. Curwen where she would find it. One we had was a syringe and one a bottle spray like you have in a cinema.

At four o'clock that afternoon you went to call on Mrs. Hampshire and asked her to come to your house?—Four o'clock on the Sunday, that is quite right.

Why Mrs. Hampshire? Why not Mrs. Oxley or Mrs. Smith or Mrs. Curwen?—I did not actually want any work doing. I would have gone to ABC or XYZ. She was the first who came to my mind.

You did not want her to come and do any work?—Certainly not. I wanted her more as a sentinel to see if there were any calls.

Did you tell her son to ask his mother to bring a brush?—Most certainly not, and Mrs. Hampshire never brought a brush to my house.

You only wanted her to attend to any callers?—Yes, more especially just to divert my calls to another doctor.

Did you take her into the bathroom?—I think I did.

Did you say to her, "You get hot water from the geyser"?—After her suggestion she would not mind cleaning up the pots in the kitchen.

Did you take her down into the cellar and put a shilling into the meter?—Because she wanted hot water. I would not deny it.

Did you ask her to scour out the bathroom with Vim?—I did not ask her to do anything. The fact is when she came to my house I said, "If you think you can do a little tidying up you can, otherwise you have nothing to do but sit down, and if calls come, send them to Howson or Mather"; anyhow, out of courtesy she did offer; she went straight to the kitchen, and there were pots and pans and teacups that Mary and Mrs. Ruxton had used that morning.

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As I understand, you never asked Mrs. Hampshire at that time?—I did take her to the bathroom because the geyser is there.

If I remember your own expression yesterday, you said Mrs. Hampshire's evidence is a pack of lies?—Of course, part of it—I would not like to repeat——

Was Mrs. Hampshire a patient of yours?—She has been.

And on quite friendly terms?—Friendly and unfriendly, both. Once upon a time I had occasion to threaten her with a solicitor's notice for misappropriating my money.

Is that the lady you asked to come to your house in preference to your three charwomen?—I never thought anything of it. I had nothing to hide. I had not a guilty conscience.

That is the lady you asked to act as sentinel in your house?—Sentinel in the sense I must have someone to take charge of the calls and divert my calls. If I had had a guilty mind, I would not have wasted the precious hours at the Andersons'.

This woman had been robbing you?—Not actually. I would not like to use that expression.

Did you leave her in the house alone for hours?—That is a different thing. I did not say robbed me.

Was your bedroom door locked?—Of course it was because it is always locked. In the room I always keep £100 or £200 in cash and notes, and I kept it locked. Would not you? If I really had a guilty mind, I would not have gone to Mrs. Anderson's from four o'clock until eleven. I would have stayed in my house and done some dirty work.

Did you ask her to wash down the stairs?—I did not ask her, but when she volunteered I encouraged her, and because the geyser is in the bathroom I took her there for hot water because I would not like anyone to work with cold water.

Did Mrs. Hampshire ask you where your wife was?—I think I did tell her.

Did you tell her she had gone to Blackpool?—No, it is a mistaken idea. I did tell her Bella and Mary had gone to Edinburgh for a few days.

She tells us definitely on oath that you told her your wife had gone to Blackpool. Is that true or untrue?—I did use the word Blackpool in reference to the Saturday.

What did you say about Mary when she asked where Mary was?—That Mary and Bella had both gone to Edinburgh for a few days. That is what I told her in the car before I brought her to my house.

Did you tell her your wife had gone to Blackpool and "Mary has gone on a holiday"?—No, I did not tell her that. She is mistaken. Perhaps she is rather likely to be mistaken because I was talking rather fast and speaking of so many things. She may have put a wrong construction on it.

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When Mrs. Hampshire came into your house, were the carpets all up?—Yes.

Those that were in the yard, who had taken them out there?—It must have been Mary because I had never put anything in the yard. I only took up the carpets from the top bedroom landing up to the window and from the window to the lounge room and dining-room landing. On the previous Saturday evening Mary had taken up some carpets.

She told us there was straw all up the stairs from the top bedroom?—I admit there was straw, but not in the exaggerated fashion she said in the witness-box.

And under your bedroom door there was straw which she could not get at?—I know nothing about it. In playing—Billy—a bit has got in.

Would your little boy push it under the bedroom door?—He might have gone to the bedroom door and it was open early in the morning when we were all about.

Who removed the straw that was under your door?—Naturally the servants came. All the servants were in the house next day Mrs. Oxley, and Mrs. Smith—she had the whole run of the house. I went away early and she goes home at twelve o'clock noon.

Did Mrs. Hampshire make a remark to you about the dirty condition of the bath?—I think she did say something like that, about those yellow rust spots.

Did she say she was surprised to see the bath in that condition in a doctor's house?—I think she did remark, but that was the result of the rust, as you can see it even now.

Did you ask her to scrub it with hot water and Vim?—I did not actually ask her to use Vim. I said, "You can just tidy up if you do not mind." I was not anxious to make her do any laborious work; she suggested it when she saw the pots and pans in the kitchen.

You know she did wash the bath?—Yes, I think she did. I know nothing of what she did.

Did you have a bath the next day?—Yes.

Was the bath in a cleaner condition then than when Mrs. Hampshire came?—Of course it was, because I had taken my bath that very morning.

We may take it Mrs. Hampshire had removed the stains or a good portion of the stains?—No, not actually stains. You have to consider there is a geyser and permanent rust had formed in a certain place in the bath, and that part of the bath is permanently stained now.

Was that geyser not put in new at the early part of the year?—Certainly—wait a minute. The original bottom dropped out, but you can get information from the Lancaster Corporation about that, and I would like you to do it in fairness.



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Did she wash up the bathroom floor?—She must have done so. I was only in the house five minutes and I went to Mrs. Anderson's, and she left in my absence. I actually do not know what she did because I was not in the house. I take it for granted she must have done what her woman's instinct told her. I did not ask her to do anything particularly.

Why did you want your children to sleep at the Andersons' house that night?—I did not actually want them. I went at four o'clock or 4.30 or five o'clock with the intention to take them back. They were having a little chit-chat, a little cup of tea, and Mrs. Anderson herself suggested on account of my hand, if it was too much for me to mind the children, she would be quite willing to look after them. I said, "It is good of you; I will have to go back home to bring the children's dresses."

Mrs. Hampshire told us there was a quantity of carpets, stair carpets, and landing carpets in the yard?—There were many things in the yard—all sorts of things.

Blood-stained articles, shirts, and towels?—I think I did put a shirt myself. That is true.

Do you always destroy a shirt when it is blood-stained?—The shirt was very much blood-stained and it had two holes in the place where the collars wore it. It was rather an old shirt.

Had you ever thought of burning it or attempted to burn it until it was blood-stained?—No, certainly not.

What was the size of the towels you used in your consulting-room?—Fairly big [indicating] with the word "surgery" embossed by printing in it.

Do you burn your surgery towels when they get blood on them?—When they are saturated and soaked we do it because usually they are a cheap variety, and it is much better to destroy them than to keep washing them.

Have you burned old towels before that day?—When they become saturated. We burn everything. The burning has not started since my Bella and Mary left. It has been going on since 1930, ever since I came to Lancaster.

Mrs. Hampshire tells us that in the yard some carpets were half-burned?—Certainly not. I never burned any carpets, and all the carpets are there. I can assure you, you will not find a single carpet missing. I can put an open challenge with respect and deference.

Mrs. Hampshire has told us there was a meal laid in the lounge for two with plenty of fruit and three cups and saucers?—Quite right.

Did you have any breakfast that morning?—No.

Why not?—Because my Bella left in such a hurry. I never take much breakfast. My breakfast is a cup of coffee and toast.

It was there?—I never took breakfast.

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By Mr. JUSTICE SINGLETON—Was it breakfast that was there?—Only bread and butter and a little blanchmange or something like that.

What was it laid for?—Usually on Sunday afternoon myself and Bella take our afternoon tea mostly at home and it is usually laid in the morning in case somebody all of a sudden comes. Usually Mary goes away on Sunday for the half-day. She lays the table on Sunday morning in the coffee room and we do not want to detain the girl.

*Cross-examination continued*—There was breakfast there, bread and butter and fruit?—No.

Three cups and saucers?—I would not call that breakfast. There was no breakfast in the sense that you do not eat blanchmange in the morning, do you? In the morning we would like to have bacon and egg.

Did they have any meal before they left for Edinburgh?—I do not know; they must have because Mrs. Hampshire told me there were cups and saucers in the kitchen which she wanted to clean up, and those started the idea of cleaning up. Therefore they must have taken something, otherwise where would the cups and saucers come from?

Did you want fruit for your children's breakfast?—Yes.

Why not give them fruit then?—I did not go to the lounge room; I went straight to the living-room. I did not expect all these things laid.

Tell me with regard to the tin. You showed us how you opened it or tried to open it?—Yes.

You took a piece of sofa arm?—Sofa arm. I gave it a bang.

You did that striking with your left hand?—Yes, I did do my striking with the left hand.

You can use your left hand the same as your right?—Not exactly the same as the right. I am a right-handed man, but I can use my left hand.

Have you ever known a tin of fruit to be opened in the bedroom?—My very good friend, anybody can do such a thing in a family house. We may have our breakfast in the bedroom many times.

Have you taken tins of fruit up there?—Because my children were there crying I had to go upstairs. There was no one else.

Did you take plates up as well?—Actually there were all the things ready in the room, a sort of family affair.

Did you, on your way when taking the children, stop at Mary Rogerson's house?—Yes, when I left my house to go to Mrs. Anderson's.

Did you see a Mr. Risby?—Yes.

Did you tell him, "Mary has gone away to Scotland"?—Yes.

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and my wife of course, because otherwise, if she did not go that day, they would be anxious.

On leaving your own house, did you speak to Mrs. Hampshire and her husband, who were then there in your waiting-room?—Yes, two or three minutes or five minutes at the outside. All told I was in my house ten minutes.

Were there in the room some carpets and a blue suit?—The carpets were there. The blue suit was not there. I gave the blue suit on the Monday afternoon out of gratitude because she was good enough to come to my house.

Where did you give it to her on the Monday afternoon?—I tell you, my friend, I mentioned them coming to tea and I showed her what to do and not to do. In the meantime Mrs. Hampshire smashed a Crown Derby cup and she was excited about it, but I said, "Do not break your heart over it." I took her to my drawing-room and I opened my cupboard and gave her a cup from the set. A little while after that time I gave her that suit, and these are her very words, "It will suit my Arthur very well, doctor." She should be honest enough to admit it.

Where did you give her that blue suit?—In my house, on the Monday.

Her husband was not in your house on the Monday?—Certainly not.

Both Mrs. Hampshire and her husband have sworn that they were both present when you gave the suit on the Sunday. Is that untrue?—That is untrue; they are very much mistaken about the suit being taken on the Sunday because it was not given on the Sunday. It was definitely given on the Monday.

Why had you not given the suit away before that day?—I gave it to Mrs. Hampshire out of gratitude. Do you mean to say, my dear good friend, if I had a guilty conscience I would be such a stupid and foolish man to commit a murder and give a blood-stained suit away to a stranger?

Mrs. Hampshire was a lady you could rely on?—No one would take anyone into confidence if they had done a murder.

Did you not say you wanted her there because she gave you courage?—I may have used an expression like that, but not in the sense you are suggesting. Naturally, when one is in a twelve-roomed house by yourself alone one would welcome anybody. They are company.

First of all do I understand you to say you did not buy a suit from Epstein?—No sir. The fact is I bought so many suits when I was in London and when I was in Lancaster that I did not say I did not buy a suit from Epstein, but I remember when Mrs. Hampshire says she saw the label and my name, Ruxton, was on that—I can definitely say at that particular time, if I mistake

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not, my name was not actually Ruxton. That much I remember. I was not going by the name of Ruxton until 1931.

It could not have been Epstein?—It could not have been on it. I do not remember all the tailors because they were mostly Jewish tailors. They do not possess a shop. They were sort of private people.

Did that suit come from Epstein?—I could not say. I do not think it could. I do not know the name of the people who made it.

Mrs. Hampshire states that on the tab of that coat was the name Epstein?—Well, I am very sorry, I did not see it.

Do you dispute the fact which Mrs Hampshire has spoken to that the tab on that coat had the name Epstein on it and not Ruxton?—I cannot dispute one way or the other because it is eight or ten years ago. I was in London and I had some suits made by two or three Jewish people; they were not made in shops.

Did you have one made by Epstein?—There was a man called Hyam or Enstein, but not Epstein. He may have made a suit.

When did you change your name to Buck Ruxton?—The latter part of 1929 or 1930—1929 if I mistake not.

Look at the entry of 26th February, 1930. [Diary handed to witness.] Read what it says there. Is it "New trousers from Epstein & Company"?—Yes, a pair of striped trousers. It is quite right—"new trousers from Epstein & Company." I did get from a patient striped trousers for a black coat.

By Mr. JUSTICE SINGLETON—Does this mean you were getting clothes from Epstein after you changed your name?—Yes.

*Cross-examination continued*—You changed your name in April, 1929, I think?—No, I think it was later; I think it was well-nigh the middle of the year.

With regard to the suit which Mrs. Hampshire says you gave to her, did you tell her to get it cleaned?—I did tell her something like that.

Was that because it was heavily saturated with blood?—No. I did say, "Would you like this suit, though it is not in very grand condition. It is quite all right from a fabric point of view, and your husband might get it cleaned."

Was it in a filthy condition with blood?—Not actually in a filthy condition. I have used that suit for the last few years when I have anticipated blood work.

For how many years has blood been gradually accumulating on that coat?—I have been using it ever since I was in Lancaster.

Is that blood that is on it the accumulation of some years of service?—It must be. In the course of that time other suits have also been blood-stained.

# Buck Ruxton.

**Dr. Buck Ruxton**

There is two or three years' accumulation of blood on it?—Not only on that suit but also on others

Never mind other suits. Was that suit sent to the cleaners in August of last year and returned to you on 17th August perfectly clean?—My Bella does all the sending to the cleaners. I know nothing about it.

Are you denying this, that this suit was cleaned in August and returned?—I could not answer it one way or another; if you ask me when this suit was cleaned last I could not answer you.

If it was cleaned as I say, the whole of this blood has accumulated since 17th August?—I should not put it that way. I do not know which way to answer that question. I do not recollect it personally. You see, this suit was put on by me—it was always put on in anticipating of a confinement or some such work. I would be expecting something like that. Even after that I have had so many cases, about eighty or ninety cases, where I have been along with a dental surgeon. I have conducted 230 confinements in Lancaster.

Did you attend confinements in that suit?—Yes, many a time.

Did you hear Professor Glaister say that no respectable doctor would ever wear a suit in that condition?—I shall give the only answer, that out of 230 cases of confinements in Lancaster, Dr. Ruxton has never written a death certificate, and you can go and see the Lancashire County Council who gave me 500 guineas for my allowance. We go by results.

Would it be a potential source of infection?—I heard my learned senior pass that remark with a little sense of contempt.

You do not agree with Professor Glaister when he said that suit?—?—May I say one word?

—would be a potential source of infection?—

By Mr. JUSTICE SINGLETON—Just listen to the question?—Has my learned friend read the life of Jonathan Hunter, the great surgeon?

Just attend to me for a minute?—It is a disgrace; it is a reflection on my professional capabilities.

It will be better for you and for everyone in this Court if you will listen to the question?—Forgive me; I am sorry. I humbly beg your pardon. Cannot you see how I am feeling? Everybody is cornering me, and trying to get me in a corner.

Every consideration will be given to you?—It must be in the cause of justice.

Mr. NORMAN BIRKETT—Will you remember this? I am watching the case for you and I will deal with all these matters.

The WITNESS—I am grateful to you.

*Cross-examination continued*—Do you agree with what Professor

# Evidence for Defence.

Dr. Buck Ruxton

Glaister said that that suit would be a potential source of infection if it were worn by a doctor when attending a confinement?—No sir. It is proved that infection comes from the nurse's mouth and the doctor's mouth, and I challenge my learned senior—it is established puerperal infection comes from the patient's mouth. As long as you have protection to your nose, as long as the infection does not go there, so long there shall be no puerperal sepsis.

Did you tell Mrs. Hampshire on that day that you were wearing that suit when you cut your hand that morning?—No.

That is untrue?—I did not say that. I gave her the suit, my dear friend, on the Monday, not on the Sunday, and she should be honest and admit it.

Do you suggest she is not honest?—What she said in the Court is wrong; I cannot use any other word.

Did you notice how distressed Mrs. Hampshire was in the witness-box?—Distressed naturally; she is also physically weak. Are you suggesting because she was distressed I am guilty?

Did you ask Mrs. Hampshire and Mr. Hampshire to be very careful when they left your house to lock it up and see all was right?—I am a very house-proud man, and my house is insured for £5000, and I would expect them to use very great care with furniture like that.

The next morning the lights were found on in the hall?—My servants can testify the light is always kept on when there is no one else in the house

You do not leave the lights on in the house if there is anybody in the house?—Yes.

Is that why you left that light on, because that is the night you went to Moffat?—Certainly not. It would be physically impossible, my dear friend; it would be physically impossible to go in that time. It would require the speed of a racing motor car to go there—it was a very heavy rainy night—to go to that place which you call 110½ miles, and Mr. Green said he did it in 165 minutes. Would I be taking a gruesome cargo with left-hand driving at such a speed? Ask yourself a reasonable question.

You went to Mrs. Anderson's that night at 9.30?—I returned from Mrs. Anderson's about half-past ten or eleven o'clock—something like that. I am not exactly sure of the time.

You bought 2 lbs. of cotton wool?—Not at that time. The wool was bought long before that.

That night did you buy cotton wool?—About half-past six or seven o'clock.

2 lbs.?—Mrs. Anderson bought it on my instructions because the packets are always in 2 lbs.

Do you keep adhesive tape in your surgery? You can quickly put that round a finger that is cut?—No, not a finger like that.

# Buck Ruxton.

Dr. Buck Ruxton

Does anybody suggest if I cut a finger I put adhesive plaster on and then would bandage the dressing?

When did you use the 2 lbs. of cotton wool?—Part was still there at the time of my arrest, even after a month.

A very useful thing for mopping up blood?—Of course it is; it is used for that purpose. Are you suggesting because I bought cotton wool I mopped up the blood of a murder? Is that what you are suggesting?

Was blood-stained cotton wool partly burned in your yard?—Certainly, I do admit it. I myself have burned it, and I asked my servants to burn it under my instructions. It is not the first time. It is since 1930 my servants have done it.

What time did you leave the Andersons' that night?—Roughly about a little after ten o'clock or thereabouts. It was getting on, and I remember saying something.

Do you say you have never been to Moffat?—No sir, I did not say I had never been to Moffat. In 1931 one time and one time alone. We had a small Austin car, and my sister-in-law, Mrs. Nelson, who gave evidence in this Court, my Isabella, my Diane, my Elizabeth, and myself went to Scotland by that route and met with a terrible accident, so much so that the car got upside down. We had to leave the car at a garage called Hunters in Lockerbie. We stayed that night, the whole of us, in a temperance hotel. My Bella and my sister-in-law stayed in Scotland. I came to Lancaster by train. You will find a reference in my diary. After a few days the garage people wrote to me the car was ready and I went from Lancaster. I took the car from Lockerbie. I went naturally by that road to Edinburgh seeing the most gorgeous snowclad scenery. I came back the next day after seeing my wife off to Lancaster. We never went except when we went to Stranraer on one occasion. It is a very dangerous route round by the Devil's Beeftub.

How many times have you driven from Lancaster to Scotland?—I have lost count. A good number of times. At first I used to keep count, but I have lost count now because we were very fond of motoring.

Have you ever seen this ravine?—No, I have never been to this ravine. Whenever we go by motor car, we never study the road because my children were in the car and my Bella, and we make so much enjoyment in the car. We are so busy we have no time for all that.

Do you know the Devil's Beeftub?—I have passed through it twice. I know it.

Is that quite close to the ravine?—I do not know what ravine you are talking about. I should like very much to see the blessed ravine. I do admit I have gone that road twice in 1931 and afterwards we never went on that road.

When you were playing the detective on your wife on 6th or

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Dr Buck Ruxton

7th September, when you followed her to Scotland, did you not pass it?—No, and I will tell you for why. Up to Penrith I followed them, and all of a sudden when I was going through Penrith on the left-hand side going their car was stationary—both cars were stationary—at the garage, and naturally I just swerved to avoid them, and went to Liberton because they were bound to enter Edinburgh through Liberton. I explained that to Mr. Vann when I gave my statement.

You left Andersons' at what time on that Sunday night?—It was getting on very late. I do not actually remember the exact time.

About what time?—I could not actually give you the time, but I remember the cocks will be crowing——

A few minutes would take you home in a car?—I would not say a few minutes. It is a good twenty minutes' run.

By Mr. JUSTICE SINGLETON—What?—A fifteen minutes' run from Mrs. Anderson's.

How many miles is it?—Four and a half.

Do you generally drive at 16 miles an hour?—I was driving with my left hand, with a single hand. You must understand that.

*Cross-examination continued*—How had you spent that night?—I went home of course and went to bed, and I go to bed usually late.

In which room?—To my Isabella's room. I had to go because at night time, suppose there is a call, I cannot receive it unless I am in that room because there is the 'phone in that room.

Do you mean to say, if the two doors are left open, you cannot hear from the room?—It is quite likely with the 'phone in one room and that room door and my room door shut, and I would not like to take the risk of it.

Mrs. Oxley would be coming to work at 7.10 on the Monday morning?—Quite so.

She has told us that she went to your house and knocked outside for half an hour and there was no reply?—I am very sorry to say this is a mistake, and I can prove that Mr. Waites did deliver the car that morning. He has sent me my bill and I can trace the telephone call.

Mrs. Oxley has sworn that she came to your house at 7.10 that morning and she knocked there for over half an hour and got no reply?—This is not true, politely—put it that way. I would not like to use a strong word in regard to her. It is not true.

There could not be any mistake?—It could not be a mistake that the Post Office people gave me and it could not be a mistake about Mr. Waites's man having delivered the car to me that morning.

Her story is not true, that she was there for half an hour?—



# Buck Ruxton.

Dr. Buck Ruxton

I took her in at 7.15 that morning. Every day I take her in. I come down in my pyjamas and take her in and do not waste time to put a dressing-gown on.

The postman has sworn he came to your house that morning between 7.15 and 7.30 and he got no reply?—The postman never knocks. He always gives the letters in.

The postman told us that he always hands the letters in, and that morning he had to put them through the letter box?—Mrs. Oxley always takes the letters, and he did not wait there

If you were in the house, can you explain why you never heard?—I did hear her and I did come down.

At 7.10 in the morning?—I do not say exactly ten past, it may be quarter past or twenty past

At nine o'clock that morning did you turn up at Hampshire's house in your car?—I have never gone to that house. I heard her saying I went without tie and collar. Is it not possible, out of 40,000 people in Lancaster, anybody else has seen me without a tie and collar? I am such a conspicuous figure in Lancaster.

Did you go that morning at nine o'clock to Mrs Hampshire's house in the car?—I did not, if you want an answer straightforward.

Did you walk into her kitchen without knocking?—I have not been to her house I have told you.

Just think?—Without a tie and collar?

You have seen Mrs. Hampshire in the box?—I have.

She swore this: that on account of your appearance when you entered that house, she said, "Good God, doctor, how ill you look"?—She did say that in my house when I came to my house on the Monday afternoon at either half-past one or two o'clock. When I came to my house she did use the words, but she is mistaken as to the day.

Did you say this to her, "I have been up all night with my hand painning me"?—I did say something like that, quite true.

At her house?—No sir, this conversation took place in the lounge room when she said, "What about your lunch." She even offered to 'phone over to Tymn's Café, and lunch came from the café about 1.30. I can prove all these things; these are facts which can be verified.

Did you thereupon say to Mrs. Hampshire, "Oh, you brought the suit and carpets then"?—No, I have never been to that house.

Did you ask her where that suit was?—No, I did not because those things she is mistaken about. I was not in her house on that Monday. That Monday morning early I went after my shave to Mrs. Anderson's and came home because I was expecting Mrs. Hampshire in my house because of the arrangement made the previous day. I gave her my key to the vestibule door, and she should be honest enough to admit that.

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Dr. Buck Ruxton

Did you ask her where that suit was?—No, I did not ask her because I had not given the suit until three or four o'clock or something like that on the Monday

Did she point to it and did you say, "It is in a very dirty condition. I do not care to give you a suit like this. I will take it away and have it cleaned"?—No, I did give her the suit in my house.

Did you say that to her?—If I wanted it back, why should I at all give it to her? I would not give the suit if there was any guilty thought.

I am suggesting you had seen the danger of that suit and wanted it back?—Do you mean to say a man with my education would not have had the common sense not to give the suit to anybody? It is the work of an innocent man and not the work of a guilty man.

By Mr JUSTICE SINGLETON—Does blood show when it is wet if it is on a dark blue suit?—It all depends how wet it would be entirely. If it is very fresh and in a very saturated condition, it would show. The blood usually dries up and if it is wiped off soon after that—much would depend on how the blood had been allowed to collect on the suit. If you touch something with blood and wipe it off, it does not show.

*Cross-examination continued*—Did you point to the tab on the pocket?—No, I did not. I respectfully submit I did not.

Did you ask for a pair of scissors?—I heard that. That is not a true story I respectfully submit.

Are you suggesting it is all fabrication?—I am suggesting it is not true.

Did you say you could not cut it out yourself and did you ask her to cut it out?—I could not because the suit was given in my house a little before my friends left, Mr. Kerridge from Manchester and my solicitor. I gave it to her in gratitude, and she said, "It will suit my Arthur very well." Those are her exact words.

Did she ask you, "Why do you want it cut out"?—No. I do not know where she got this story from. I cannot understand it. That is what breaks my heart.

Did you reply, "It is very undignified to wear another man's clothes"?—I did use something like that expression in my house. When I gave it to her she said, "It will suit my Arthur well." I said, "Well, it is quite all right if he is not ashamed of wearing another man's suit," or something like that.

Was there a disc on the tab?—There was no disc on the tab, and I passed a remark. This is quite true. I did use later on the expression, "If he is not feeling shy of wearing another man's

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clothes, I can give him this suit. It is in rather a dirty condition but it can be easily cleaned."

Was not that with reference to a tab which had your name on?—No, no reference to a tab. If I had a guilty conscience, I would not have given my suit to anybody.

Is the expression you used, "It is very undignified to wear another man's clothes and other people know it." Is that the expression you used?—No, I never used that word. May I ask with respect, how is it that Mrs. Hampshire and all these witnesses have such a wonderful and marvellous gift of memory, to remember words *ad verbatim*? May I respectfully ask that question? After one month, would you yourself remember such things, or would any educated man remember such things as the date the fire was sky high, and all this straw littering the place, the exact words that the doctor spoke. What a gift of memory: what a convenient gift of memory! May I know that?

Have you finished?—I am very sorry. You can imagine my position.

Did Mrs. Hampshire say to you that she would throw the tab in the fire when you had gone?—No. This never took place. I say it, I honestly say it.

Did you insist that the tab should be burned while you were there?—No, I did not, because there is an electric fire in my lounge.

I suggest that is at the Hampshires' house?—I never went to her house. I honestly tell you I never went to her house, and I never left my home even once without a collar and tie, and all these things that she is telling in the witness-box.

Did Mrs. Hampshire go that afternoon to your house?—Yes she did.

What was she to come for on that day?—The point is this that day I was expecting, I remember, by a previous appointment, a certain party and my solicitor for a certain purpose. Naturally, Mrs. Oxley goes away at twelve o'clock, and my friend would be coming about two o'clock or three o'clock, and I wanted a respectable-looking woman to serve them with tea and answer the door, or something like that. Therefore, I asked Mrs. Hampshire to come, and I had given her the key for that purpose on Sunday.

She was to come because she looked respectable?—Put it any way you like.

Was not Mrs. Oxley respectable?—Mrs. Oxley was only there from seven to twelve, and she is a married woman, and she cannot stay a minute later than twelve.

With regard to Mrs. Smith, her days were Monday, Tuesday, Wednesday, and Thursday?—But, my dear sir, Mrs. Smith did not come that day because she had intimated——

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Mrs. Curwen came each day?—No. Mrs. Curwen came after Mrs. Ruxton went, because she was a temporary servant. Mrs. Smith did not come that day because there was some trouble with her tooth, and Mrs. Smith is not a very presentable-looking woman.

Was Mrs. Hampshire a respectable-looking woman, coming to attend your door?—Not actually my door; just to serve tea to my friends. Put it any way; I do not mind.

She says on that day there was a carpet in the yard which she saw saturated with blood?—On Monday? The carpets were there on Sunday as well.

Listen: that she threw thirty buckets of water on it and the water ran off it like blood——

Mr. NORMAN BIRKETT—With great respect, the evidence is not to that effect.

Mr. JUSTICE SINGLETON—I agree, Mr. Birkett.

*Cross-examination continued*—Did you see any carpet so saturated with blood that if water was thrown on it it would come running off the colour of blood?—I cannot exactly follow. I am getting mixed up.

She says she threw thirty buckets of water on it?—I heard her say that. I would like to know how much blood it would be, and why did she count thirty buckets. Does it follow, as a matter of reason: thirty buckets of water, and the water was just like blood! Just, for heaven's sake, ask yourself the question—exaggerating matters and making a mountain out of a molehill. Thirty buckets of water, and the water ran like blood! Did she count, may I ask, thirty buckets? It is the fantastic story of a female mind.

Have you heard the story spoken to by two of the charwomen of finding a blanket heavily saturated with blood?—No. I know nothing about it. In my house, there are so many things. I do not go into every corner of my house. I have enough trouble in my own department of the house.

Can you tell us where the blanket came from?—I could not say: I know nothing about it. The joke about it is this, that none of my servants have drawn my attention to it—it is all their story—until after I was arrested. Why did not they ask me and say, "Doctor, what is this blanket? Do you want it cleaned?" Nobody has drawn my attention to it. That is the mystery part of it. Why did they not draw my attention to it, may I respectfully ask?

Mrs. Hampshire speaks about that visit on the Monday morning when you were without collar and tie and unshaven?—I heard her.

It would be something very unusual that would cause you to go about in that condition, if you did?—Certainly. But may

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I respectfully ask, that out of the 40,000 people of Lancaster, has not a single person seen me? I should be a conspicuous person if I went out without a collar and tie, and they should come forward.

Are you saying that no one but Mrs. Hampshire suggests that you were in that unkempt condition?—The fact is I never was. Mrs. Oxley—she ought to be sensible enough to speak the truth. Could she say it on oath again—not only her mistake, but her husband came into the Police Court and one day said something in evidence and he deliberately came the next day into the Police Court and twisted round the sentence. I am sorry, my lord, but I cannot help it. [The witness broke down.]

I have asked you about Mrs. Oxley being there from 7.10 till about 7.40 or 7.50, something like half an hour. At 9.15, she has told us, she was at your door again and could not get in?—No, sir. Round about that time I was in my house, and I 'phoned for my car a little after 9.30. Mr. Waites delivered the car at 9.30 or thereabouts, and I soon after went to Mr. Howson for the first time in my life for a shave because I could not shave myself.

She says you drove up in a car?—I never did, sir; I never did.

And that you were unshaven?—I heard her saying that, and that is what breaks my heart.

With no collar and with no tie?—I heard her say that. It is not true.

Have you always found Mrs. Oxley an honest woman?—I have never bothered to verify the antecedents of my servants. That is the department of my wife, you know. I have always been rather reserved, except in the case of my Mary, because she was intimately connected with the children, and the children are part and parcel of my life. Otherwise, I never mixed with the servants. I hardly talked to them a sentence.

Did she enter the house with you that morning?—No. I let her in, and I was in my pyjama suit. I did not even waste time to put on a dressing-gown.

Was the hall light on?—No, it was not on.

Were the letters in the letter box?—No. I know nothing about that. She brings the letters to my bedroom. When I get up in the morning, I know nothing, until about ten o'clock, of what is happening downstairs. My servants bring my letters to the bedroom with my coffee.

Am I to take it that Mrs. Oxley's story with regard to her knocking at your house for half an hour and gaining no admission, and coming back at 9.15, and you driving up in your car without collar or tie, is absolutely untrue?—Yes, because I can prove it to your satisfaction, and I would request you most humbly—most humbly I request you to peruse Mr. Waites's

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bill for delivery of the car, and my 'phone call schedule, Lancaster 527 being my 'phone and Lancaster 280 being Mr. Waites's 'phone, and you can ask Mr. Hudson. I gave my car to that man on his suggestion. Cannot you just do it for me and oblige me? Your duty as counsel is to do justice and not to put a man to the gallows for nothing. Everyone is against me.

By Mr. JUSTICE SINGLETON—Just wait a minute. You must not say everyone is against you?—I humbly beg your pardon. If I have transgressed any of the proprieties of Court etiquette, I cannot help it. I am on trial for my life. I have three little mites at home. I have never done anything wrong to anybody, sir, and they come and tell these stories. [The witness sobbed.] It is a fantastic story about fires in the yard and they could read. O God! It is simply exaggeration. I am very sorry. I humbly beg your pardon if I have interrupted your proceedings.

*Cross-examination continued*—When Mrs. Hampshire came to your house that day in the afternoon, did she say this to you, "Why did you come for me when there is nothing to do in the house?"—Yes, she did mention something like that.

Did you say this to her, "I sent for you because you give me courage"?—Not actually. I do not remember actually the words, but I did say something like that, naturally, because in a big house with not a single soul in the house but myself and all the bare walls, I wanted some company, and I may have used the words.

Were you frightened in the house?—Certainly not, not in the sense that you are suggesting. I just wanted her, because I wanted somebody to talk to. My main purpose was to ask her because I was expecting some extra good people for business purposes.

You had some friends of yours coming to see you?—For business. That was the main object of my asking her.

Why? Were you frightened?—My dear sir, I did not actually ask her on that particular day. I had made arrangements with her the previous day, for which I had given her the vestibule key.

Did she thereupon reply to you, "Doctor, why don't you send for the Missus?"—I think she did. Pardon me. If I may interrupt you, most humbly, she said, "What a lovely house you have got."

Did you thereupon say, "She's in London"?—No, I did not say that. I will tell you the exact words. When Mrs. Hampshire first of all said, "What a lovely house you have got, doctor," because at that time I think she had occasion to see my dining-room and my drawing-room, or something like that—I am not exactly sure—do not catch me upon that point again—when she remarked, "Doctor, what a lovely house"—anybody who has come to my house has always remarked, "What a beautiful house you have got, doctor; it must have taken a fortune to

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furnish"—I just burst out and I said, "With all this I am an unhappy man." In other words, what I meant was that I calculated more for happiness the affection of a woman. They were my only possessions. I could not help myself. Cannot you see it? If she had not spoken those words, "What a beautiful house," that part would not have passed through my mind.

Did Mrs. Hampshire, when you said your wife had gone to London——?—No. I said, "Isabella is said to be in Edinburgh, but I would not be surprised if she is in the north or she is in the south: for all I know, she may be in London, not Edinburgh." I do admit that. I did say something like that, but I did not actually say what you are suggesting, that I one day told her she is in Blackpool and one day in Blackburn, and I one day told her she is in London. I am not such a stupid fool as all that. You are intentionally mixing the words to suit. I speak so fast that people might misunderstand me.

Did she turn round to you and say, "Doctor, you are telling me lies"?—No. This is a thing I would ask you. Do you think that I, in my position, would tolerate that remark from a woman in Mrs. Hampshire's position? If anybody said to my very face, "You are telling me lies," the first thing, with my temper, I would show her the door and get her out of the house. Do you expect me to tolerate that insult in my position from anybody? Just think, I request you humbly. If she said to me, "Doctor, you are telling me lies," do you think I would tolerate such an insult from anybody especially from Mrs. Hampshire? Everybody is twisting particular words to suit their convenience.

Did you go on and say, "Yes, I am. I will tell you the truth. My wife's gone away with another man"?—No.

"And left me with the three children"?—No, I never discussed such intimate matters with Mrs. Hampshire. I may have said one thing. I said, "I would not be surprised if my Belle is in the south." It is just her nature. Many a time she has done it. She has told me, "Bommie, I am taking your car to Edinburgh," and I would get a wire from another place, and she would say, "On the way I changed my place." I never objected, because I trusted my Belle too much.

Did you go on further and say this, "A man comes to your house as a friend. You treat him as one. He eats from your table and makes love to your wife behind your back. It's terrible. I could forgive extravagance or anything else, but infidelity never"?—I never used those words to her. I never used those exact words.

None of them?—No, but the gist of it is quite right. But I never actually said that. I would not be very intimate.

She says the words you used were, "A man comes to your house as a friend, you treat him as one. He eats from your table and

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makes love to your wife behind your back." Did you use those words?—No sir, I did not use the words, and may I respectfully ask again, how does she remember all these exact words? Did she write them down? She was interviewed by the police after about six weeks or a month. I cannot understand this gift of memory on the part of Mrs. Hampshire.

Did you say, "I could forgive extravagance or anything else but infidelity never"?—No, I have not said that. I am sorry.

Nothing like that?—No. Put it that way. I am too tired now.

On that day did the dustmen come?—Yes, they came

Did they take away some burned material in the yard?—There was not only burned material, but there were all sorts of things—those hygienic sort of toys, you know, those cloth toys, on which the rain had soaked; a lot of debris; the cement from the County Cinema wall; linos.

There is one important thing that I do want to ask you?—I admit it. It was quite right—the blood-stains—my towel—half-burned it. It is quite right. You are quite right.

Not only that, the shirt and the towel, but a blue dress?—I know nothing about a blue dress. I heard about this thing

With glass buttons on, which the witness speaks to seeing there amongst these burned articles?—Yes, I heard about that.

Was there no such dress there at all?—It might be, and it might not be. Just ask yourself the question. Even if it was there, how could that blue dress have any relation to the alleged murder of my Mary?

What I am suggesting is this, that you were getting rid of Mary's clothes for some reason?—But in that case I would not put them in the debris for everybody to see openly. I would get rid of my blue suit first and get rid of all the clothes first. I would not give my Belle's old clothes to Mrs. Curwen, and all these things. Why are you not suggesting that? You just pick out a point here and there to suit.

Did you tell the dustman when he inquired where your wife was, "My wife has gone away touring"?—I just said in a general way. I would not like to tell everybody where she was.

You did tell him that she had gone away touring with the car?—Motor driving. I did not actually use the word "touring." You are mixing the words.

Was it true what you said to the dustman, that she had gone away with the car?—Not actually with the car because she had no my car that day. My car was in the town, and I had given it to Mr. Hudson. The world knew that my car was with me.

On the Tuesday, did Mrs. Oxley come at the usual time?—The usual time is the morning time, you mean.



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Dr. Buck Ruxton

That was the day when somewhere in the early afternoon you had a collusion?—At about 12.35 in Kendal.

We have heard from Beattie, whose bicycle was run into. He told us he was pushed off his bicycle on to the footpath?—Yes, we have heard it.

And his bicycle was badly smashed?—I am very glad you have said that. May I say my car did hit his cycle.

So much so, that he lost his balance?—But this story about the bicycle being smashed up, and all this, is not true. May I respectfully ask, why did he not then even write to me a letter, or write to my insurance company, or claim damages for the damage I am supposed to have done by smashing up his bicycle?

Did you touch his bicycle only?—Of course I did.

Were you behind him when you hit him?—Yes, that is quite right. I was behind him.

Did you see him fall from that bicycle?—He was going very slowly when that accident happened.

Did you see him pushed from the bicycle?—He alighted.

You call it alight?—Because it was an upgrade. He lost his alignment of balance.

Why did not you stop to see if there were any injuries?—Because there was no injury done; I could see the moment he got down. He lifted up the bicycle and looked at me. I was slowing down. I had to go forward because of the car behind me. My boy was with me. All this fantastic story about a bicycle having been smashed up—the first thing a person would do would be to make a claim for damages. There was no damage sustained, because he was not injured, and nothing happened.

By Mr. JUSTICE SINGLETON—Mr. Jackson has asked you why you did not stop?—I did slow up and on seeing there was nothing wrong done I just went on.

*Cross-examination continued*—Did the man call out to you?—Yes, he did call out.

Why did you not stop then?—I did, in the sense that I slowed down my engine. I went on farther because there was a car at my back: I was disturbing the traffic. There was nothing in it.

Did the car prevent you stopping until you got to Milnthorpe?—There was nothing in it. It was such a trivial affair. As a matter of fact, hundreds of motorists must have done it in that way. Out of courtesy, I would be the first person, whether it was my accident or anybody else's accident—my professional status behoves that I should alight to give help to anybody.

Did the police stop you?—Yes, about five to one, or something like that.

# Evidence for Defence.

Dr. Buck Ruxton

Did you get very agitated?—Not in the sense that you have described. Naturally, with my hand so very bad, I went no farther than I could help. I had my surgery, and I had my child with me.

Were you in a hurry to get on your way?—It was quite right.

Were you anxious not to be seen on that road?—If I was not anxious to be seen, would I go in the broad daylight with my child?

Was it not a car which you had never been in before?—Certainly, because Mr. Hudson had given me the car the previous day from Mr. Yates. It was a hired car.

Did you tell the police officer at Milnthorpe that you were coming from Carlisle?—No, not from Carlisle. I did use the words “main Carlisle Road,” or something like that.

One minute. I do not want there to be any mistake about it—that you were coming from Carlisle; you had been to Carlisle on business?—No, I could not, and I could not do it. If I may respectfully point out to you, I could not go and no human being could possibly go to Carlisle, because you will see from the depositions of Mrs. Oxley that on that Tuesday morning at 10.30 I was in Dalton Square, Lancaster, when I took my children to school. Between 10.30, at Dalton Square, Lancaster, and 12.30 at Kendal, how could I go from Lancaster to Carlisle and Carlisle back to Kendal? Would I be going 62 miles an hour? It is a physical impossibility that you are talking of.

I am not suggesting you had been to Carlisle. What I am asking is did you tell that police officer you had been to Carlisle?—No, I did not say the words. I may have used the words “Carlisle Road,” but I could not say Carlisle. And how is it that the policeman also exactly remembers the exact words, with the commas and the inverted commas, all after one month? I cannot understand this peculiar gift of memory that everybody has got for this occasion.

Did you say you had been to Carlisle on business?—No, I did not say that.

It would be untrue?—I could not say it because it would be a human impossibility to cover within two hours a distance of over 150 miles, or 120 miles. It is 69 miles from Lancaster to Carlisle alone.

That night did you sleep in the house alone?—I slept in the house every night. I have never slept away from my house.

Which bed did you sleep in that night?—In my Isabella's room. I have to sleep in the room because of my 'phone.

I understand you to say there were no fires in the yard that night?—No, not on the Tuesday night, on 17th September.

You heard those girls?—I heard them, and the whole Court has heard them.

# Buck Ruxton.

Dr. Buck Ruxton

Never mind about the size of the fire. Was there no fire at all?—No, certainly not. Mrs. Smith did the fire, as she says in the depositions herself and in the witness-box. On the Tuesday, after my evening surgery, which becomes over round about 8.15, Mrs. Curwen gave me supper and I went to my children to bring them home from Mrs. Anderson's. So how could I be making a fire in Dalton Square and at the same time be in Mrs. Anderson's house to bring my children for the next day—a fire in which anybody could read? Mr. Turner did not see anything—one of your own witnesses, the man who is in the cinema house. I beg your pardon, humbly.

MR. JUSTICE SINGLETON—You will find that your learned counsel is quite able to argue for you!

THE WITNESS—I have a brain of my own and I cannot help it. I am fighting for my life.

*Cross-examination continued*—Let me come to Thursday, 19th September. That morning, we know, Mrs. Oxley arrived at her usual time, 7.10?—Yes, Mrs. Oxley comes in the morning at that time.

Did you ask her to get your breakfast as quickly as possible that morning?—Yes, it is quite right. I had a certain purpose at the back of my mind.

Did you tell her you were going to see a specialist about your hand?—No, not on that particular day.

When do you say it was you told her that?—About a specialist, on 24th September. I had to visit a certain doctor by the name of Dr. Rigg in the early morning in Preston, as per previous appointment for life insurance of £3000.

Did you never say anything about going to a specialist on the 19th?—There was a certain definite purpose at the back of my mind. On the 19th I was doing some definite certain thing.

No thought of any specialist or doctor?—The word “specialist” was said only to cover up what I was going to—

Did you use the word “specialist”?—I did use the word.

On that day, the 19th?—No; on the Tuesday, the 24th. She has mixed up the dates. I had occasion to see another doctor and I did see him.

Did you think of seeing anybody about your hand on the 19th?—No. My idea was that I wanted to go to Blackburn for a certain purpose, and I thought if I could go to Accrington, which is near Blackburn, I would see Percy about my hand, but I actually never did go.

Were you thinking about going on that morning, the 19th?—That morning, the 19th, at the back of my mind was a certain definite purpose, and a certain purpose only.

# Evidence for Defence.

Dr. Buck Ruxton

You know that document you made out when you were going to see the police, "My Movements"?—Yes.

Do you know that on Thursday, the 19th, you made an entry which says, "Thought of seeing P. J. G. for hand"?—This inventory was compiled by me after I was harassed by the police, two days before my arrest.

But you did not know then what Mrs. Oxley was going to say?—No, nothing of the sort. I had nothing of the sort in my mind; but on that Thursday my definite purpose was to go to Blackburn for a certain purpose, as I have told you repeatedly, and Blackburn and Accrington are not far off.

Did you leave the house that morning by eight o'clock?—No, not eight o'clock; between a quarter to nine and nine, because I remember seeing nine o'clock somewhere outside in the town.

Was the car round at the back door?—Yes. Many a time the car has been there as my servants can testify.

Before you left, while Mrs. Oxley was in the kitchen, did you close the kitchen door?—I did not actually close it myself. She may have done it, or anything like that.

Did you make several visits?—Three.

Upstairs?—You are quite right.

And down again out to your car?—Quite right. I can explain the purpose. By Thursday, it was getting on for four or five days. I said, "It is very funny that even Mary should not write a postcard." I said they could not be in Edinburgh because if they were in Edinburgh they would surely write; they must be somewhere else where they do not want me to know, so I thought I would just go and spy if Belle or Mary were there in Blackburn, at the office, and if Bobby Edmondson was meeting my Belle, and I made up my mind. I said, if I can find concrete proof or I can see Bobby's car there, it would be just as well to snap it by the camera. Therefore, on the second thought, I went upstairs and brought my camera, and then on second thought I went up for the tripod, and I did make two or three journeys that day. Did Mrs. Oxley see me taking anything like that rubbish that you are suggesting? It is the fact I did go, and I had been to Blackburn the very first time on that occasion. I did ask a policeman on duty, and he said, "You cannot miss it, you go along that way."

How far is it from your house to Blackburn?—I have not measured it, but roughly it would be about a little over 30 miles, or 35 miles, or something like that; I do not know. But I actually went, first of all, to my surgery. I went a little farther distance from my branch surgery, near where Mr. Edmondson lives, and then I did a lot of morning work. Then, if I remember rightly, having gone perhaps to Mrs. Anderson, I visited a patient called Mr. Henderson at 2 Watery Lane, and then I made for

# Buck Ruxton.

Dr Buck Ruxton

Blackburn, when I did not see Bobby Edmondson's car outside the Town Hall of Lancaster, where he usually puts the car.

Do you say you went to Anderson's that day?—I am hazy. I am not sure on that point.

Mrs. Anderson is a friend of yours?—At least, I hope so.

And her husband?—I hope so, at least.

Did you hear Mrs. Anderson?—I did hear her.

That you were not there on the Thursday?—It is quite easily that she is mistaken or I am mistaken. I am not definite on that point myself, because I have been every day to Mrs. Anderson's.

Did you hear her say that she never saw you there on the Thursday?—I asked the maid. She said, "Doctor, I think you did come." I asked her and she admitted to me when I was making a check of my movements.

You have told the jury where you went on that day, Thursday?—Yes, I went to Blackburn

Did you return about 2.50 in the afternoon?—No, not actually 2.50. When I was in Dalton Square, it was a little earlier, but when I came to the Square, I did spend a good ten minutes to a quarter of an hour going round about the Town Hall to see if Bobby's car was still there, and Bobby's car was not there a whole morning and afternoon, and that was what made me suspicious.

You went to Blackburn taking a camera and a tripod?—Yes.

Were you out in the streets with it?—Not actually out in the street. I parked my car at a particular distance from No. 18 and then I just paraded up and down because I did not want to be noticed.

What was the camera for?—My object was that if Bobby Edmondson's car was there I should snap it, because he has always denied that he has ever been to Blackburn before when I have asked him the question.

Did you have the camera in your hand then, when walking up and down?—I do not think so.

Did you speak to anybody?—I only asked a policeman for the way, which he pointed out to me and said, "You cannot go wrong. You go along this way and on the left you will find the Town Hall steps."

For how long would you be there?—A good half-hour, I should say, up and down the road, but I did not go actually to the office because I did not want to be observed by a certain party, because they might know, and they might tell Mrs. Ruxton.

In Blackburn there must have been a great many people who saw you on that day?—Surely, but they do not know me in Blackburn. I am not known in Blackburn.

Was it on that day, that Thursday, when you had gone away that morning, after going upstairs and going downstairs several

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Dr. Buck Ruxton

times, that you got back somewhere in the afternoon?—It was a little after 2.30, I should say.

Was your bedroom door locked?—My bedroom door is always kept locked when I am out because of my money affairs. I keep all my income-tax papers and all my documents in the bedroom.

Was that the first time the foul smell was noticed?—No. A foul smell was there the day before, I think. The smell was not anything particularly offensive. It was the smell of the glue and the size on the wall from which Mrs Smith had been stripping the paper. It was a peculiar stuffy smell. It was not something horrible and nasty, as has been asserted in Lancaster and in this Court. It was a stuffy smell; it was the whole house that was smelling stuffy, not one bedroom.

Have you ever sent out before for a bottle of eau-de-cologne?—Yes, my Mary has gone umpteen numbers of times.

And a spray to use it with?—There were two sprays already before that. Mrs. Curwen could not find them, and therefore she bought one. There was nothing of hide and seek about it. I would not do all these things, if I had a guilty conscience, openly.

You took Mrs Ruxton's clothes and gave them to your servants?—No, not actually gave them to the servants. Mrs Curwen emptied the wardrobe days after they went away. It was round about Tuesday or Wednesday morning when I went to Mrs. Nelson, my sister-in-law. On that day, she sorted out the clothes. She first of all put them in the bedroom, where Mrs. Ruxton slept and I used to sleep temporarily. I said, "Mrs. Curwen, you must not take away all these things, because there are some of the things which are of sentimental value." There were certain two old frocks which were of sentimental value, purchased in the time of our early courtship.

During the whole time you have been living together, have you ever given any article of clothing of your wife's away before?—I should not interfere with my wife's wardrobe when my wife was at home. I never interfered with her affairs at all. Isabella is the mistress of her house. Isabella has given away her clothing to many of my patients who have helped her with her children's parties, which is a twice-a-year affair at my house.

If she had ever come back, all these clothes would have gone?—My dear friend, what about the clothes for which I only recently paid a bill of £100, to a Messrs. Hind, Paulette, and the cheques I have paid?

Did you pick out the best clothes from the others and put them into that suitcase?—Not the best clothes—best in the sense that they were rather in a good condition.

Where were you going to take them?—To my sister-in-law.

Mrs. Nelson?—There was something different at the back of my mind. I wanted her to take charge of the clothes and say, "Well,

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Dr. Buck Ruxton

she can stay where she is," not to come to my house any more. I said that may precipitate a separation; I might do something in a haste for which I might be sorry, and I changed my mind.

Do you remember having an interview with Mrs. Nelson when she asked you to tell her just how Isabella had left you?—Yes, quite right.

Did you tell her this, "She has gone away and has taken every one of her clothes with her except the motor coat"?—You are quite right. I said, "Practically everything." In fact, I have written to her in my letter—Exhibit 31—"She has taken practically everything." You are mixing the words again. By "everything" I meant everything that would be of use to her; everything that she had pretty recently; everything that would be of use to her in order that she should be in a position to wear them. That was what I meant by saying "practically everything." You are mixing the word "everything" for your purpose. I do not like that.

Then the shoes?—What about the other shoes—I have a bill of about £17.

Thirteen pairs of shoes?—Mrs. Ruxton was a woman who possessed in my house 30 pairs, let alone 13.

What right had you to touch Mary Rogerson's?—I did not, and I never permitted anybody to take away everything Mrs. Curwen was deliberately asked by me to put everything and leave everything of Mary's in her room.

What has been done with Mary's things?—Everything that Mary valued in my house I should expect she might have taken away for herself. I do not know of Mary's wardrobe. I only did give Mrs. Ruxton's clothing to the servants, but they were very old clothes.

Had Mary a red dressing-gown?—I could not say. I have never seen Mary in her dressing-gown. I have always seen Mary in a perfectly dressed condition. I never went in her bedroom

Had she a best coat of blue material which matched that beret?—I think I have seen her in a coat like that because once or twice myself and my Belle and Mary and the children went in the car, and I took Mary with a blue coat on.

Was there at any date after your wife disappeared a fire in the yard where there was a piece of red material and some blue material?—I have never done a fire like that. Mrs Curwen suggested once upon a time she did a fire on Wednesday, the 18th, and in the Police Court she changed it, and in the Assize Court she changed it again. Mrs. Smith said a fire was done on a particular Tuesday. You can just see how these people are telling made-up stories. The day that Mary left she had a check brown heavy coat on. I could not help seeing it.

Mary's blue coat was her best coat?—I do not know.

That morning, when you saw them, how were they dressed?—I know how my Isabella was dressed.

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Dr. Buck Ruxton

How was Mary dressed?—I do not know how Mary was dressed, but Mary had a check overcoat on, I know, because when Isabella told me she was taking Mary I actually followed them—I heard the door, the catch on the vestibule door fall, and I could not help seeing them, but I went to see whether my car was there or not. By that time they were gone.

What was your wife wearing?—My Belle had, well, a check sort of thing, a skirt and blouse, and something like that. I cannot actually describe ladies' clothing. I am not used to describing all that.

Did you see any hand bags or any boxes when your wife and Mary were leaving?—I did not closely examine them and scrutinize what they were carrying in their hand.

Did you see any packing of clothes that morning?—I did not actually see; but, pardon me, once before my Belle had left bag and baggage and everything, and I had not known anything about it.

I was coming to that in one moment. On the other occasion when your wife left you she took every scrap of her clothing with her, did she not?—"Scrap" in the sense of everything that was useful. But she did leave behind all the rubbish and things that were cast-off clothing, old clothing. If she wanted to take every blessed stitch, it would require a big van. I can produce bills in this Court to the tune of £1000—£1100—in five years' time, and, thank God, I have given them by cheque, otherwise they would call me a liar.

Do you remember Mary Rogerson's brother coming to see you?—Yes.

Did you say to young Rogerson, "Mary and Mrs. Ruxton have gone a tour to last either a week or a fortnight"?—No, I did not actually use the words "for a fortnight" or "tour." He is a young lad, and he came purposely to ask me. I did not actually want to discuss what was at the back of my mind with a lad like him, naturally. I may have said something to put him off, or something like that.

I see—something to put him off?—I am very sorry. You are trying to mix words and put a wrong construction.

They are your own words?—If I spoke my real mind, I would be telling something to a young lad who was far too young to understand all these things.

If you had spoken your mind, what would you have said?—Actually there was something different at the back of my mind. What wondered me most was this. On many previous occasions, when we used to go with Mrs. Ruxton and the children to Scotland, I said, "Mary will be here alone; take Mary," and Belle never took her. What surprised me was that all of a sudden, on the spur of the moment, she arranged to take Mary. I could



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not get away from the surprise of it. Besides that, I had noticed, and I had some reasons.

You noticed what?—What I am indicating to you, my poor Mary's condition. I hope I am wrong; I wish I am wrong.

Are you still saying that in your opinion Mary Rogerson was pregnant?—I can definitely say this much, that she did appear to me something like that. Mary is very dear to me. I have two daughters of my own, and I would not let anybody speak anything against them, but on a privileged occasion I cannot help speaking my mind. I hope, therefore, I am wrong. I hope I am wrong. Mary is very dear to my heart. I did not expect that of Mary. I must say that I always thought Mary was a 100 per cent. girl; at least I thought so. I had my full faith in Mary. If I have been deceived, it is her fault; but I had full faith in Mary and I still have it, but mistakes occur in the best of regulated families.

Did you say to her stepmother, "Mary has a laundry boy"?—Yes, you are quite right.

"Do you know she is pregnant"?—No, I did not say that. I said "Mary has been rather different lately." I began something like that.

Did she say, "She is not pregnant that I know of"?—Quite right. She did say that. I only suggested that I had my reasons. What I meant by saying that Mary had been a little different lately was because when Mary came to my house she was a very well refined, sober, plain girl. Latterly, about three months ago, before she disappeared, all of a sudden Mary changed her style of dress; there was a permanent wave, and lip-sticks and coloured stockings. I said, "I hope you are not in the marriage market," or something like that. I had never known Mary use lip-sticks, and on her cheeks, and all these things. I said, "Well, she has started already," or something like that. I do admit it. That is what I meant, and it is true, because Mary used to wear beautiful long hair, and she got that bobbed and chipped. She began to pay more attention than she used to. It made me curious. In fact, I myself joked with Mary once upon a time about it.

Did you say, "She has a laundry boy"?—I did say that. I do not know who the laundry boy is up to this time.

Did you say, "I, as a doctor, know that she is pregnant"?—No, I did not say actually I did. I believed she did appear so.

Did you go on to say, "Mrs. Ruxton has taken her away to see if they can do anything about it"?—No, I did not say that, "has taken her away." I said I would not be surprised if my Belle was trying to help because, naturally, Mrs. Ruxton and Mary, and all of us, were very much friendly, and Belle would

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easily do anything for Mary, because Mary had been a good girl to our children, and I surmised that

You have heard the evidence of those witnesses?—Yes. May I ask, how does she remember all these words that she has heard, that you have put?

Did you hear them mention the stained sanitary towels in her bedroom?—Yes.

Did you hear them mention about the blood-stains on her chamber in her bedroom?—Yes.

Did you hear her mother say that she was unwell in August?—Yes. May I respectfully suggest it is not very unusual, as my senior learned colleague suggested; it is fairly common for the first three months, for a woman to be pregnant and yet see colour.

You heard all those three things which I have pointed out?—Yes.

Did you ever ask the girl if she was——?—I could not. I had no right to.

Did you ever ask your wife to ask her?—Of course I did. I did ask, and I will tell you for why. It was under certain circumstances. Every morning, when my mail comes, usually ten or twenty letters come, out of which there are some letters of importance which I have to keep. Some letters are destroyed and thrown away. That category of letters that are to be destroyed falls into two categories, some that ought to be really burned away and some that I could afford to tear, and those lie in the wastepaper basket. If somebody read them, out of an inquisitive mind, why, I would not bother. The ones which usually I burned I burned in the fire of the living-room because it is the only room in the house where there is a coal fire; otherwise all the rooms have electric fires. One day I was going to do that, and I rushed into the room, and the servants were pulling the leg of Mary. I came out. I said, "Isabella, there is something in the wind. You had better go and ask Mary." I was not suspecting anything foul of Mary. What I was afraid of at that time was that Mary would all of a sudden jump on me and say, "Well, sir, I am leaving service because I am getting married," and it would be a jolly difficult task to get a good maid like Mary. When I told my Belle, Belle said, "I do not think there is anything in it." Whether Belle intentionally put me off, or whether it is true, I do not know to this day. Then all of a sudden one day my little Diane said, "Mary's boy is a laundry boy, daddy," or something like that. I put two and two together. I said to Mary Rogerson one day, "Are you getting married?" She said, "Ask no questions and I will tell no lies," with a smile on her lips.

Did you ever say this to Mrs. Rogerson or to Mr. Rogerson,

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Dr. Buck Ruxton

"Mary has gone away. She is pregnant"—I did not say "She is pregnant." I said to him in a very whispered tone—I was very much shy of speaking "Look here, I do not want to say anything about your daughter"—

Did you say to Mrs. Nelson, "I should rather think that Mary was pregnant"—I had strong reasons at that time to accentuate and strengthen my belief after what Mrs. Curwen had told me, because she had noticed Miss Rogerson was very stout.

When you told her father she was pregnant, did he say, "I want my girl back wherever she is"—Yes, he said something like that.

Did he say, "If she is not back"—?—He would post her as missing.

And would put it in the hands of the police?—Quite right.

Did you ask him not to?—Certainly, I did. I will tell you for why. It was in fact in my mind to go to Edinburgh and make further investigations of my sister-in-law. He was in an excited condition over his daughter, and naturally I do not blame him for that. I said, if he rushed to the police and after that Belle and Mary turned up, it would be something in the mouths of the people of Lancaster to talk about—first of all, Mrs. Smalley. I said, "I am going to Edinburgh. Nothing can go wrong; surely they will come back," because I was expecting them to go to Mrs. Nelson; but nothing in the sense that you are suggesting.

Did you say, if he would not go to the police, you would bring her back on Sunday?—I did not say I would bring her back. How could I say it, because I did not know where they were? I did suggest to him that I was going to Edinburgh.

First of all, how many sheets did you have on your bed that day?—It must be two or three.

Certainly one on the top and one on the bottom?—There must have been at least perhaps two. I do not know. Those are in the department of the house I never take much notice of. But the sheet you have produced in Court, supposed to be from a pair, was put on my bed by Mrs. Curwen much later, after, I think, Belle and Mary went, because you can see the condition in which it is, and I used the bedroom for wellnigh one month after Belle and Mary left.

If that is a sheet from off your wife's bed, can you explain how it got round those bodies at Moffat?—How could it be, sir? There is no such mention in the Court. You have made only a statement that some portion of the linen is of the same fabric.

If that romper, which has been identified with the head of one of those bodies in it, was Mary Rogerson's romper?—It could not be Mary Rogerson's romper. I respectfully submit, how could it be Mary Rogerson's romper, and why should Mary

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Rogerson have that romper? Would you expect my children to put on that sort of a romper?

Re-examined by Mr. BIRKETT—There are certain most important matters that I want to get quite clear. About the blue suit: when did you first hear from anybody that it was suggested that that blue suit had been to a cleaners on 17th August, 1935?—Never except Mr Jackson told me just now.

When my learned friend for the Crown in this case put that suggestion to you this morning?—The first time in my life.

Was that the very first time it had ever been suggested?—I say it; by God, I say it.

How many blue suits have you possessed in the last five years 1930 to 1935?—About two or three, because I am rather fond of colours, three blue suits, three greys, two or three brown.

If one of these blue suits was sent to the cleaners, who would do it?—My Belle, because as a matter of sentiment I always wanted my Belle to touch my clothes; I was so much woven into her.

Another matter about that blue suit arises out of the questions put to you this morning. Is it within your recollection, when the last time was that you wore it?—About the middle of August, or the latter end of August. I did a certain thing on a certain patient: it was a minor operation only, and on various occasions I did over 100 anæsthesia cases every year.

I have not troubled to put to you in detail the matter of the operations when you wore the suit, but you said, in answer to my learned friend, that the blood upon that suit would be the accumulated stains of two or three years?—Yes, two or three. There are other suits which have also been blood-stained. It is not the only suit.

That is a fact I want to be quite clear about. That is your evidence about it?—Yes.

Do you know, with any certainty, where you bought that suit?—I could not say with certainty because I have been buying clothes in London from all sorts of shops—from Holborn.

Was that suit made to measure or was it ready-made?—I think it was made to measure, by one of my principal patients.

Was it made to measure in Lancaster?—No, not in Lancaster. I think it was in London because I had some *locum* work. This was my first practice.

Now a word about the carpets. It has been suggested by one witness in this case that there was at one time a portion of burned carpet. Did you ever yourself see a portion of burned carpet?—No, and I do not think anybody else had seen it because I could always see what was in the yard.

So far as the carpets in Court are concerned, which we have seen, so far as the landing and the staircases in 2 Dalton Square

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are concerned, are all the carpets here?—Yes. From what I have seen, yes, they are.

When the dustmen came, whom we have seen in this Court, Rutledge and Gardiner, on the afternoon of Monday, was there any portion of burned carpet there at all?—No, never. Never was there a carpet on which there was that material.

I want it quite clear?—The carpets I wanted to give either to Mrs. Hampshire or to my servants. In fact, there was a deliberate instruction to give them and not to destroy them

That is what I want to have clear about the carpets. Now a word about the Sunday morning, about which you have been cross-examined—Sunday, 15th September. You were asked if you had ever been to the house of Mrs. Oxley before that Sunday morning?—No, never.

Did you know where she lived?—No, never. In fact, my Belle told me. In fact, I had not been to her house before in my life.

The address of Mrs. Oxley to which you went was given you that morning?—By my Belle, yes. Belle told me. How I remember this is that my Belle herself was not certain about the number, but my Belle used to keep in her bag a certain National Health Insurance stamp card which she used to frank every week.

Mrs. Oxley's insurance card?—Yes. I remember, because my Belle herself was not sure of the number, but she knew it was somewhere in Dunkeld Street.

It was on that Sunday morning, the 15th, that the address of Mrs. Oxley was given to you by your wife?—Quite so.

It is suggested that Miss Roberts came at nine o'clock and that you saw her, and that your hand then, as I understand the suggestion, was wounded. Will you tell us about what time of the day it was you had the accident to your hand?—I did not actually take notice of the time, but Belle left at round about 9.15 or 9.30. Then I went upstairs and then I came down, then it was cut, and soon after Mrs. Hindson came.

About 9.30?—Yes, after 9.30, after Belle left.

After the accident to the hand, upon all the occasions that you spoke to anybody about it, when you were asked about it, or whether you volunteered, what explanation did you give?—I said I hurt it with a tin-opener.

You have heard it suggested that you were telling Mrs. Hampshire and other people different stories about where your wife and Mary Rogerson were?—No. This is a little bit of a mistake on their part. I do admit that I did use the word "Blackpool" to Mr. Harrison, but that was a previous trip. I did not actually say that my Belle was actually in Blackpool. I did say to Mr. Harrison, "I think Belle is in Edinburgh."

It is suggested that you had some particular reason for avoiding seeing a colleague or doctor about your wounded hand. Was there

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any real necessity to see one?—No real necessity to see one because I could manage my own affair myself very well. But since you ask me, there was a necessity in a sense for not seeing one, in the sense that I had a certain insurance business for which I was to be insured for £3000, and I said to myself, “Well, naturally I am a medical referee myself, and the doctor will ask me at this particular time ‘Are you under the treatment of any doctor?’ If so, for what?” I said to myself, “Well, if I have been to somebody, I will have to say the truth and that will put off my business transaction.”

What I want to have clear is, was there any reason other than the reason which was in your mind which you are now expressing why you should not?—Not a bit. In fact, I attended my own wife in her three confinements myself. I brought into the world my own three children.

Did you ever on a Sunday, or on any day, see a carpet which had twenty or thirty buckets of water thrown upon it and the result would have been like blood?—No, I have never seen such a carpet, and so far as I can gather, if I am permitted to help you Mrs. Hampshire says she took a certain carpet to her house and she put thirty buckets on it in her yard.

Did you ever see any carpet which, if thirty buckets of water were thrown upon it, the resultant fluid would be like blood?—With emphasis, no. I cannot help saying anything else. Thirty buckets of water, and the water was just like blood!

The last matter on the clothes that I want to ask you about is this. Did you, at any time, purport to give away or to deal with any clothes of Mary Rogerson?—No, never. In fact, definitely asked Mrs. Curwen to put them in her room.

Did you, at any time, know the extent of Mary Rogerson’s wardrobe?—No, I could not because I never interfered with my servants.

On the matter of your wife’s clothes?—I have a fair recollection, naturally, I being the husband.

I think you have made it plain to the jury that she had above and beyond the clothes?—Most definitely. I had just paid bill five or six days ago.

The last matter of all is with regard to the state of Mary Rogerson, and what you said about her possible pregnancy. You say you had mentioned that to Mrs. Ruxton when Mary was in the house?—Yes, I did say it, because I wanted to ascertain my doubts if there was anything in the wind.

It is suggested, as I understand, that you have invented the idea of Mary Rogerson’s pregnancy to account in some way for her going?—Mary is so dear to me that whatever I would say is privileged—if anybody had suggested that I would have slapped his face. That girl is 100 per cent. to my mind.

By Mr. JUSTICE SINGLETON—Do you mean that if other people

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had told stories of that kind as a reason for her going away, you would have slapped somebody else's face if somebody else had said it?—In the sense that if ordinarily anybody had suggested anything wrong about her, I would be the first person to slap it. I have not made up a story. I believed it from my professional experience, whatever you like to call it, and from what Mrs Curwen said, that she did look stouter, and these things. When they disappeared and did not write to me, I said to myself what is all this mystery about it? I could never be in a position to say for certain that she actually is, no. I would never say that.

*Re-examination continued*—What I want to have quite clear is this. Before she went away, you had made reference to it to your wife?—Yes.

To anybody else?—No. Once upon a time I may have made a passing mention to Mr. Anderson, or somebody.

To Mr. Anderson?—May have done, because I one day told him, because it was so funny. A little time before they left everybody's movements were mysterious, hide and seek, but my Belle distinctly told me. I must be fair. When I asked Belle, I said, "Belle, just try to probe this matter," and "Oh," said Belle, "there is nothing in it." Belle did say, "There is nothing in it." I must be honest in that way.

This is the last matter I want to ask you about. You know that it is suggested that on the Sunday night you went to Moffat?—Sunday, the 15th, do you mean?

Some suggestion that you did not go on Tuesday to Seattle and that you made some journey, not to Blackburn, on the Thursday. You follow that?—Yes.

Did you at any time do any act of violence at all to Mrs. Ruxton?—No, I honestly say, as God is my judge.

Did you make any journey on either of these days, or at any time, to dispose of any remains?—No sir, I say as God is the judge above.

By Mr. JUSTICE SINGLETON—I want you to tell me two things. Was your wife fond of her children?—My Belle, in a sense, yes; in a sense, no. She always put herself—I would not actually say she was a bad mother, or anything like that, but actually she did not love the children as a mother ought to love, because all the children's parties, and everything relating to the children, were left to the servants. Not one single day have I seen, in five years' married life, my Isabella sit down and give the children tea or coffee. Everything was left to the servants to do. I objected. We had a little row.

Is the answer that you do not think she was very fond of them?—I would not say that my Isabella was fond of them, because, if

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she was, she would not leave the parties, the children, and everything to Mary and other servants and go away.

Did she sleep in the same room with them every night?—Yes, because she had to, under my instructions, because there was no other room in the house to sleep them.

This is the other question I want to ask you. Was Mary Rogerson fond of those children?—Well, Mary Rogerson appeared to be fond of them, to my knowledge. I do believe that she did look fond of them, and I do believe she was fond of them

## Closing Speech for the Crown.

Mr. JACKSON—May it please your lordship, Members of the jury—I am sure that every one of you must be relieved that you are coming to the end of this long case, but I am also sure that there is not one of you who will regret that you have taken part in this trial and helped to carry out justice in this country. It has been a great strain on you, as it has been on everybody in this Court, and I must say that I personally am very much relieved that it is almost over, because there can be nothing in the experience of an advocate at the Bar more distasteful than to have to cross-examine a prisoner who is being tried on a charge of murder.

This case has aroused enormous interest throughout this country, and there have been many rumours and much gossip. I want to say to you, in fairness to the prisoner, that you will remember to wipe out of your minds all gossip and discussions that you may have heard, and to decide this case on one thing only, and that is on the evidence which has been called before you. Throughout this case you have to remember that it is the duty of the Crown to satisfy you beyond reasonable doubt by the evidence submitted that the prisoner is guilty. It is not for him to prove himself innocent. What I am going to suggest to you in this case is this: that the evidence is such that it must drive you irresistibly to one conclusion only, and that is that the prisoner is guilty of the charge of murder of Isabella Ruxton.

In coming to a proper conclusion in this case, one of the things you will have to satisfy yourselves of is this: were those two bodies which were found at Gardenholme Linn on 29th September, 1935, the bodies of Isabella Ruxton and Mary Jane Rogerson? Because once you are satisfied of that, I submit you can have little doubt as to how they met their deaths. Of Mary Rogerson we know this, that she was twenty years of age, was just about five feet in height, and had a glide in one eye: certain teeth had been extracted by dentists, and she had suffered from tonsillitis: she had four vaccination marks on her arm; she had a birthmark on her right arm; she had an operation scar for appendicitis, and she had a



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scar on her right thumb. With regard to Body No. 1 (which the prosecution submit is that of Mary Rogerson), first let me take them in their order. Glide in the eye; a very certain identification mark which could have been spoken to—the eyes have been removed. With regard to the teeth the dentists have told you what teeth have been taken from her jaw. Other teeth have been taken out—taken out, it is suggested, at the time of death or just after. I say that the purpose was to destroy identification marks which might be gathered from the teeth which were extracted while she was living by a dentist a considerable time before her death. The tonsillitis—you have evidence that there are signs of tonsillitis on the body that was found there. Vaccination marks—there are four vaccination marks on the arm of that body. With regard to the birth-mark, which was most conspicuous and I suppose would have been the strongest identification, you have the flesh or skin taken away from that forearm where that mark was. Then you have the skinning of the face, which would also help to destroy identification. A cast was taken of the foot of that body, and that cast fits the shoe of Mary Rogerson. You have seen the photograph and the photograph of the skull, and when you have them superimposed one upon another, the face over the skull, it does show a very marked resemblance to Mary Rogerson. These are strong features of identification of Mary Rogerson; but it does not stop there. You may have noticed how my learned friend endeavoured time after time, but without success, to get the learned medical men that I called to admit that there might be some doubt about the left hand of Mary Rogerson. Professor Glaister and the other medical gentlemen said they had no doubt at all that the two arms with the hands attached to them were a pair. You might well wonder why my learned friend was so anxious to throw doubt on that left hand. Members of the jury, it is simple, because the left hand was the only one from which they got any finger-prints, the palm and the fingers of that hand, and if my friend could have thrown doubt on those finger-prints of that hand it might have gone a long way to put a doubt in your minds; but if you are satisfied, as I ask you to be on that evidence, which is absolutely clear and is not contradicted, then you get a very strange set of circumstances for the finger-prints of that left hand of the body which we say is Mary Rogerson's, are found in all sorts of places in the house of Dr. Ruxton. You have heard of the infallibility of the finger-print system, but if those finger-prints found in the house tally with the finger-prints of the hand of Body No. 1, can you have the slightest doubt of the identification of Mary Rogerson?

Portions of the bodies which were found near Moffat on 29th September were contained in wrappers. One of the heads was wrapped in that pair of children's rompers, and those rompers have

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been sworn to by the lady who gave them to Mary Rogerson. They have been sworn to by the women who worked in that house, and who have seen them in that house amongst Mary Rogerson's things. Have you any doubt those are the rompers? If they are, what are they doing round portions of those bodies at Moffat if it is not that they came from that house with the bodies? You have the blouse of Mary Rogerson sworn to by her stepmother, who has pointed out to you the patch which she herself sewed on it for Mary Rogerson, and this also is identified by the servants in the house as being seen there and being Mary Rogerson's. How did that blouse come to be at Moffat round portions of those bodies? Could you have any stronger evidence than that romper and that blouse belonging to Mary Rogerson found there with the remains which tally so much with Mary Rogerson? Portions of those bodies, the legs and feet of the body which we say is Mary Rogerson's, and the trunk of Mrs. Ruxton's body, are found wrapped in a portion of a sheet—a sheet which, I venture to submit, the evidence shows came from the bed of Mrs. Ruxton. You have heard the servant say there were two sheets to a bed, and only one sheet was found on that bed afterwards. The portion of the sheet found at Moffat which contained that portion of the body which we say was Mrs. Ruxton's and which contained the legs and feet of the body which we say was Mary Rogerson's, has been very carefully examined by an expert from the Manchester Chamber of Commerce, and he has told you that the warp and weft are very characteristic of the cloth, and that there is no difference between the sheets. On the selvedge hem of the sheet found round the bodies there is a peculiar fault which would only come on the one loom. The sheet which remained at the prisoner's house had exactly that fault. With regard to the body of Mary Rogerson, remembering the marks she had on her body and the removal of those marks, her height, the cast of her foot, the shape of her head in the photographs, the romper, her blouse, the portion of the sheet from the house in which she had lived and from which she disappeared, I say that there cannot be any doubt in this case that that was the body of Mary Rogerson.

Now, if you are satisfied of that, does it not assist you in determining whose the other body was? Remember, Mary Rogerson the maid, and Mrs. Ruxton were living in the same house: both disappeared at the same time; they were last seen, one of them on the Saturday night, the other on her way home on the Saturday night and undoubtedly arriving there because we know the motor car was there the next morning, and the prisoner has admitted she was there, and then both disappearing and neither seen nor heard of again. Does that not help you with regard to identifying Isabella Ruxton? Look at that body, and let us see if there were identification marks which might have been there and which have been taken away in order to destroy the identification of that body.

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Her hair was brown, but it had a grey patch in it, spoken to by the hairdresser, which would have been so easily identifiable: the head is scalped—I submit in order to take away the identification mark of that hair. Her teeth—she wore a plate, and here again you have heard how teeth have been taken out of that skull at the time of her death or just after. Her nose was prominent, with a bridge: the end of the nose has been cut away, and I suggest that this was done to destroy the contour of that nose. The breasts had been removed. The finger nails had been removed; we know they were bevelled and could have been recognized, because she went to a manicurist. Thick ankles—we have been told that her legs were almost the same thickness from the knees down to the ankles; all the tissues and flesh had been cut away on the legs of the body that we say is Mrs Ruxton's. There was no such thing suggested as Mary Rogerson having thick legs or anything unusual about her legs, and the flesh is left on her legs. Does it not show there was a reason for caking the flesh from one pair of legs, and that it was on account of the identifiable features? Mrs. Ruxton's toes were "humped": the toes had been taken off that body that we submit is Mrs. Ruxton's. She had a bunion on her left big toe: there a piece of flesh has been cut away which is the site of where you would expect the bunion to be, but when the joint comes to be examined it shows some deformity which is the sort of deformity you get with bursitis or bunion. These are all strong points with regard to her. The specialists I have called have spoken with regard to the age of this body, which covers the age we know her to be. The height of the body corresponds with that of Mrs. Ruxton. A cast of the foot is taken; that cast fits the shoe of Mrs. Ruxton. You have seen the superimposed photographs; it is a strange coincidence that the skull of Mrs. Ruxton fits in with the face of Mrs. Ruxton as you see it in those photographs, and when you have the superimposed photograph you have a remarkable resemblance to Mrs. Ruxton. Therefore you have all those things with regard to her. But you have this further: that the trunk of that body is, with the legs of Mary Rogerson (if you think the other body was Mary Rogerson's), wrapped in the sheet which we say came from Mrs Ruxton's bedroom. Members of the jury, when you have the two of them disappearing at the same time, the two bodies found together, pieces of these bodies intermingled, portions of them wrapped in the same sheet, can you have any doubt whatever that those two bodies are (1) Mary Rogerson's, (2) Mrs. Ruxton's?

If you come to that conclusion (and I submit you have irresistible evidence to make you come to that conclusion), then I suggest your task is simple, for who could have killed those two women? You will have no doubt, I submit, on the evidence that they met their death by violence, one by strangulation, and the other by other violent means, because you have with regard

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to the head of the girl Mary Rogerson, if you accept it as hers, that she had received blows on the head which did not kill her, and that she was eventually killed. Who could have killed Mary Rogerson and Mrs. Ruxton? You have living in that house Dr. Ruxton and his wife, this girl Mary Rogerson, and some young children. It is an unhappy household, I do not think you will doubt, having heard the evidence of those maids, and after hearing the evidence of the police officers, who state that Mrs Ruxton came to the police station, and you heard the police officer speak about her being frightened when her husband came there. You have heard of the attacks that were made upon her, of her being on the bed with his fingers round her throat, as spoken to by the servant girl; of his having a knife to her throat, as spoken to by another girl; the cries in the night for assistance, when a maid has gone to her help. Can you doubt for a moment that there was a very unhappy household there? Does a woman leave a man and go away, as she had done before this tragedy, leave her children and go away if she is happy? We know she had gone away before, and only when the prisoner has persuaded her through her sister, or something like that, has she come back. I suggest that the reason she has come back is the love of her children. It is that that has attracted her home again on other occasions. And what was the position of this household in September of last year? We know that he has called her a prostitute, and we know from witnesses that he has spoken about her unfaithfulness. You have heard what he wanted to say, that she was unfaithful in her thought. Is that what you say about a person being unfaithful? You have heard the threats he had made with regard to her, that he would be justified in murdering her. At that time in the early part of September she goes on her trip to Edinburgh, where young Edmondson goes with his father and Mrs. Edmondson and Miss Edmondson. What did the prisoner do? He gets a strange car and follows her, and the next morning goes to the hotel, and then comes back with one idea fixed in his mind, that he has now found out once and for all that young Edmondson and his wife had been in one another's bedrooms that night, and that she was unfaithful and had committed adultery. You have seen the sort of man he is—emotional, and you know him to be violent. He now considers his wife proved to have been unfaithful. Remember the words that he uttered to one of the witnesses: "I can forgive extravagance or anything like that, but infidelity never"—his own words.

Now that is the state of this man's mind in that week-end of September. The following week-end Mrs. Ruxton goes away to Blackpool. I suggest that when she returned from Blackpool on that night the prisoner, with that idea fixed in his mind that she was unfaithful, thought she had gone off again with

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young Edmondson, and one can quite easily imagine what happened on that night—she coming home in the early hours of the morning; he brooding there over his wife's unfaithfulness, as he calls it. She goes up those stairs in the early hours of the morning. a quarrel, a loss of his temper—and you have heard how easily that is aroused—takes his wife by the throat on that top landing, and then what happens? Mary Rogerson's bedroom door is on that top landing. She is a loyal girl, fond of the children, loyal to the mother, as he himself had to admit to me. He admitted that Mary Rogerson was a girl who, if her mistress had been attacked, would have gone to her defence; and if, having killed his wife by throttling her, this girl comes to try to help her, what is the position? He has got to get rid of Mary Rogerson, the one witness of his crime, and that is why Mary Rogerson lost her life. She lost it simply because of the devotion and affection that she gave to her mistress because she was a loyal girl.

You have heard about the state of that house. I submit from those top stairs right down into that bathroom there was an absolute shambles of blood. There must have been large quantities of blood, because you have the bathroom floor washed, the top of the side shelf washed, the cupboard—all those things washed, and yet even after the washing has been done, those traces of blood remained that you have heard from Professor Glaister were found all over the place in that way—up those stairs, in that bathroom. You have heard all about the blood-stained carpets. What do you think is the condition of a carpet on which a witness has to throw thirty buckets of water and that water runs off it the colour of blood? You have heard the evidence with regard to his suit; you have seen the coat and the waistcoat; and you have seen the condition they are in with regard to blood. What must have been the condition of the waistcoat which Mrs. Hampshire has sworn she could not do anything with at all and which she burned? Do you believe that story of his cutting his hand with the fruit tin or tin-opener? Does anybody, because he has cut his hand, throw away a whole tin of peaches and throw away the tin-opener, which none of the servants who are in that house have ever seen? We have heard how easy it is for a knife to slip when a surgeon is cutting up a body, and you have been told of one place on the head that, if he was cutting, the knife might slip. May it not well be that his cut hand was done in that way? Or may it not also have been done in another way: that he knew he would have to account for blood-stains, and that there must be blood-stains from somewhere, and that he cut his own hand, not intending to cut it quite as deeply as he did? When you are in desperate need you have often to take desperate measures, and if he had to account

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for all that blood, may not that be the way in which his hand was cut?

I want you to remember the evidence with regard to those burnings in the yard of cotton wool and clothing, clothing spoken to as a blue dress with glass buttons, similar to one that Mary Rogerson wore; a piece of material the colour of a dressing-gown, and another the colour of her best coat. What had they been burned for by the prisoner? What right has he to be burning the maid's clothes? The prisoner says that the evidence of Mrs. Hampshire is a pack of lies. Members of the jury, it is for you to judge, but you saw Mrs. Hampshire in the witness-box and heard her give her evidence, and you saw the distress she was in. Do you think Mrs. Hampshire has gone into that box in order to tell a pack of lies to convict this man of murder, or was she telling you the truth? According to her, the prisoner said he had the suit on when he cut his hand that morning. The prisoner said no, he had not. She has told you that she having got the suit on the Sunday, the prisoner came round to her house on the Monday, and with one object only, you will probably think, because he had realized the danger of that suit. On that Monday he endeavoured to get that suit back from Mrs. Hampshire, and failed. She declined to give it up, and said she would have it cleaned herself, and then you get that remarkable story, a story which must be obvious is beyond the invention of the brain of Mrs. Hampshire and has the ring of truth, and that is that the prisoner pointed to the tab inside the pocket and asked her to cut it out—asked her to burn it and insisted on her burning it while he was there and stayed until it was consumed, after which he went away. She has told you even the name on that tab, "Epstein," and the doctor's name. The doctor was rather suggesting that that could not be the name on it—Epstein—but when we come to look at his notebook we find that he was purchasing clothes from Epstein when he was in Lancaster, when his name was Ruxton. He was saying, "No, I think I had that suit before I changed my name and therefore it could not possibly have had 'Ruxton' on it," but when you come to his diary you find that it is there. I am not going through his different statements. Do you think for one moment that this doctor ever thought Mary Rogerson was in the family way? We have heard of the sanitary towels; we have heard the mother's statement that the girl was unwell in August; we have heard of the menstrual stains on the chamber in her bedroom. You have the doctor putting forward this story as an explanation as to why Mary Rogerson went away. If it is not true it is a most dastardly thing to say about a girl who is dead and not here to protect herself. But as I said, desperate needs often lead to the doing of desperate things, and he had a desperate need to try

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to shut the mouths of Mr. and Mrs. Rogerson and keep them from going to the police. If he could make the Rogersons and other people imagine that Mary Rogerson was pregnant and that she had gone away in order that she might have an abortion illegally performed on her, I suppose a great many parents and people would say, well, we had better keep quiet and let her get this over and not have the disgrace of her being here.

There is another thing I want to speak about and that is the division of the clothes. Do you think that if Mrs. Ruxton had gone away, she would not have taken her clothes with her? Do you think that Mary Rogerson, going away with her mistress, would not have taken her clothes with her? Her nightdress is there; burned dressing-gown; her best red dress burned; the best coat that went with the beret which was found afterwards; the blue dress with the glass buttons—do you think Mary Rogerson would have gone away without those? With regard to Mrs. Ruxton's clothes, when she had left home on previous occasions she took her clothes with her, and if you remember in this case when the prisoner went to see her sister at Edinburgh and the sister asked him, "Just give me the circumstances under which she went away," he told Mrs. Nelson that she went away taking all her clothes with her except an old motor coat. Members of the jury, that was a lie I submit he said that to make the Nelsons think that she had gone away taking all her clothes with her, and therefore it is a lie to-day that she has taken her clothes and left him. Do you think that any married man, if his wife went away in the way that has been suggested in this case, would destroy or give away clothing belonging to his wife? Would he be disposing of, either by burning or giving away, the maid's clothes? Why not have sent them to her mother? Because probably the mother would at once have said, "Why, Mary would not go away without these clothes," and it would have put them on the track at once.

On that Sunday, 15th September, the day on which these two people disappeared from the ken of man, you have delivered at Dr. Ruxton's house a *Sunday Graphic* of 15th September, and when those remains are found on 29th September in Scotland there is wrapped round portions of the bodies the *Sunday Graphic* of 15th September, and that *Sunday Graphic* you will remember is peculiar to Lancaster and district. It was what is known as a slip edition, printed for the purpose of being circulated in that district only, because the front pages of it showed pictures of the Morecambe Pageant held the previous week and would be of interest to local people and probably to no one else. Is it not a strange circumstance which links up Moffat and the Lancaster district? You have heard of other papers there, *Daily Herald*, *Sunday Chronicle*, and you have heard that in Mrs. Rogerson's

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house she had visitors who took in the *Daily Herald* and who took in the *Sunday Chronicle*, and that Mary Rogerson on her visits to her parents' house used to take away a bundle of those papers to the prisoner's house—*Sunday Herald*, *Sunday Chronicle*, *Daily Herald*, all found wrapping up portions of those bodies.

There was plenty of time on the Monday night for the prisoner to go north. Do you remember an incident when people came to the door at 7.10 in the morning? Mrs. Oxley, knocking for half an hour, could not get in, and when the postman came he got no answer, and for the first time he pushed the letters through the letter box. Where was the doctor then? It is not possible that he could have been in that house. Where was it he was coming back from when he called at nine o'clock at Mrs. Hampshire's house, unshaven, no collar or tie, and a dirty mackintosh on? I submit that that was his first visit north. And remember what the state of that house was on that morning: that Mrs. Hampshire the night before, on the instructions of the doctor, had turned out all the lights and left it in darkness, and when Mrs. Oxley went into that house that morning something after nine o'clock—9.15—with the doctor unshaven and without collar or tie, the light was on in the hall. It had been left out: how had it got on? Does it not show that the doctor that night, when he came back from the Andersons', called at the house for some purpose and went out while it was still dark and left on the light? The doctor has told you that the only occasions a light is ever left on at night is when the house is left with no one in it. Is it not probable that that is what he was doing and that he hoped to be back in time in the morning before Mrs. Oxley came? Mrs. Oxley speaks to his condition, unshaven and no collar and tie; and then you have his going that very morning round to Mrs. Hampshire's house and making those inquiries as to whether that suit had been burned, and you remember he asked on more than one occasion with regard to it.

Members of the jury, I am not going to take up further of your time. When you take into consideration all the facts in this case, and when you have heard my learned friend and my lord, I submit to you that this case is proved beyond all shadow of doubt. Only one further thing do I want to say to you. You are not to decide this case on anything that I have said; you will not decide it on anything that my learned friend says, however eloquent he may be: you will decide it on the facts that have been proved in this case. You will decide medical questions on the medical evidence that has been called in this case, which has not been challenged by any witness coming into the box to refute it. You will deal with it on the evidence that has been



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called and on the facts which have been proved, and on that evidence I ask you to find a verdict of guilty of murder against the prisoner.

## Speech for the Defence.

Mr. NORMAN BIRKETT—May it please your lordship, Members of the jury—this is the first moment that a voice may speak on behalf of the prisoner, and there are one or two prefatory observations which I would like to make. Since that fateful moment at eleven o'clock in the morning of 29th September when Miss Johnson looked over the bridge of the ravine near Moffat and saw the startling spectacle of human remains, nearly six months have elapsed. During those months there have been many startling and dramatic developments, many of them affecting the prisoner profoundly, and there have been suspicions, doubts, theories and accusations. It is idle to suppose that you, members of the jury, have not read nor heard observations on this matter, and I beseech you to decide this case upon the evidence in this Court alone. What is said here is the only matter with which you will have to deal at the conclusion of this case, and I am satisfied that there is only one purpose in your minds and that is that Dr. Ruxton shall have a fair trial. Whilst this case will no doubt be long remembered for many of its unusual striking and dramatic features, I am satisfied that it ought to be remembered for the exceeding fairness with which it has been conducted in accordance with the high tradition of our English law. It is the duty of the Crown to prove beyond all reasonable doubt the guilt of any prisoner who stands at the Bar, as Dr. Ruxton stands to-day; suspicion is not enough; doubt is not enough, and, with all respect, the imaginative reconstructions of my learned friend are not enough. You will, I am sure, at all times in this case remember as I discuss the evidence with you that in this Court there is no more powerful thing that any advocate for the defence can say than that the prosecution must prove the case beyond all reasonable doubt. You are here dealing with Dr. Ruxton who is not of our race nor of our nationality, and his mental processes, as revealed in the witness-box and elsewhere, are known to you, and you will hesitate before you draw conclusions adverse to him until you have weighed not merely what is alleged but the circumstances in which it is alleged. The last prefatory observation I wish to make is that for the most part in this case the nature of the evidence which has been placed before you by the Crown is circumstantial and not direct. There may, of course, be occasions on which circumstantial evidence is of such a texture that it convinces, but unless it be examined with meticulous care

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the conclusions drawn from it may be highly dangerous. There is no witness in this case who can say that he or she actually saw what happened, and the Crown are therefore left to ask you to take the evidence which they have put before you and to draw from these facts the inevitable inference or conclusion that Dr. Ruxton is guilty.

The essence of the case for the Crown is that they set out to satisfy you that on the morning of Sunday, 15th September, Isabella Ruxton died by the hand of the prisoner. That is what has to be proved. I was astonished to hear my learned friend, Mr Jackson, say to you in his concluding speech that if you were satisfied that the bodies found in the ravine were in fact the bodies of Mrs. Ruxton and Mary Rogerson then your task was nigh completed. It seems scarcely necessary to have to say to you that if you are satisfied of the fact that in that ravine on that day were those two bodies, identified beyond the shadow of a doubt, it does not prove this case. If, for example, the word of the prisoner was true, "They left my house," there is an end of the case. Even though their bodies were found in a ravine, dismembered, and even though those were the bodies, this does not prove the case against the prisoner. The Crown must prove the fact of murder, and you may have observed how much of this case has been mere conjecture. It is not for the defence to prove innocence; it is for the Crown to prove guilt, and it is no duty of the defence to propound a theory which would be satisfactory to your collective mind. Mrs. Ruxton had gone away before, and, it is surmised, came back on account of her affection for the children. It was on the persuasion of Mrs. Nelson that she had been away, and you must bear in mind that Mrs. Ruxton in 1934 and 1935 had had a great increase in clothes. Is it beyond the bounds of possibility that she had determined to go from that unhappy household, and if she had thus determined, is it not possible that Mary Rogerson should go with her too? It is not enough to say she went away and she returned because of the children, and therefore in this case she could not have gone away on her own volition. You will also observe that if you are satisfied that the bodies in the ravine were the bodies of Mrs. Ruxton and Mary Rogerson, then the possibility that some other hand had caused those deaths is a matter which the prosecution do not even stop to consider; but it is a possibility. You may think that the actual cause of death in the case of Mrs. Ruxton or Mary Rogerson is not really very material, but I want to discuss it for one moment on this point. It is said with regard to Mrs. Ruxton that she died from asphyxia as the result of manual strangulation, and you will recall that it was indicated to you that that was done on the top landing of the house at 2 Dalton Square. Now, it is clear that if death was due to strangulation, according to the medical testimony, there would be no blood. With regard to

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Mary Rogerson, or Body No. 1, the medical testimony says "We cannot assign the cause of death." But my learned friend did not hesitate to tell you that on that top landing Dr. Ruxton probably used a knife. There has been no evidence of it. Nobody, except my learned friend in his opening speech, has appeared to suggest it. It is necessary, in order to explain any crime alleged here, to explain the blood which was found in the house. This suggestion is not supported in the slightest particular, and when the banister that ran from the top flight down the first flight of stairs was exhibited, Professor Glaister said that the stains there could be explained by the bleeding hand of the man.

I am going to deal with the way the prosecution seek to prove the case, but as this case is so overlaid, in my submission, with false conclusions, I appeal to you not to give the verdict of guilty unless you are satisfied that the essential cardinal feature of the case "You killed her on Sunday" is proved, and I ask you to discard all that my learned friend may have put into your minds by way of suggestion which is not supported by the evidence. A most important point is that most of the evidence upon which the Crown relied is evidence of events recalled at a much later date. Human experience teaches us one thing with complete certainty and it is that human memories can be very faulty and very dangerous, and much of the vital evidence in this case upon which the Crown relies is not evidence recalled at the moment, but evidence recalled after a great interval of time. One of the most amazing features in the case for the Crown is this: on the morning of Sunday that was a house of murder and into that self-same house there came Mrs. Oxley, Mrs. Hampshire, Mrs. Smith, Mrs. Curwen, day after day who saw the stairs, the wallpaper, the carpets, the yard, the petrol, the fire, the waiting-room, and yet not one of them thought *at the time* that there was a single suspicious circumstance. Look at the evidence they give now. I do not for a moment say that they have come here deliberately to tell lies, but rather that their evidence, like much of the evidence upon which the Crown rely, is evidence of recollection of events which at the time raised no doubt nor suspicion but are now recalled after this long lapse. Two girls named Mather said, "On Tuesday, 17th September, we were in our bedroom in Great John Street. At half-past seven or thereabouts, looking from our bedroom window across the yard of Dr. Ruxton to the wall of the Cinema we saw it was lit up, and at eleven o'clock at night, when we returned, the light was still there. The light at one time was so vivid, so brilliant, we could see to read by it." At nine o'clock that night the commissionaire of the Cinema was in the Cinema room which overlooks the yard, and there was no fire at all: the manager of the theatre passed that very place that night, and there was no fire at all. I am not suggesting that these girls

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came here to forswear themselves, but they have made a most grievous error. A second point is this, that a great question arises in this case about whether Dr. Ruxton went to Moffat. He asserted, "I had my car delivered from Waites's garage on the Monday morning." The witness Longton was asked if he did not bring the car to Dr. Ruxton's house, and he replied no. Mr Waites was called, and we know that a Hillman-Minx car was telephoned for from Dr. Ruxton's house on the Monday morning, and we know that car was delivered by Longton.

MR. JUSTICE SINGLETON—I do not regard the evidence as amounting to that. There is a document which indicates that the car was delivered on that day, and it bears the name of Longton, but there is nothing to show what was done the previous day or the day before that, or who made the entry.

MR. NORMAN BIRKETT—I will put it perhaps not quite so strongly, but I say in fact in the records of Waites's garage there is a document in which the entry records the delivery of a car by Longton. Who made it and when it was made is not known.

It has been made part of this case that not merely did Dr. Ruxton kill Isabella Ruxton that night, but he drained the body of the blood in his house and dismembered it, and, furthermore, that he on the night of Monday, 16th September, deposited those remains in the ravine at Moffat. There is no evidence that he did. It is a suggestion based upon this—remains were found in the ravine which, according to the medical testimony, were the remains of Mrs. Ruxton and Mary Rogerson and therefore somebody took them. "Therefore you took them," say the Crown, and they deal with the matters found in the ravine with the remains. There is no evidence that the car was out that night at all. The garage people cannot tell you one way or the other, but we know that that night of Monday was wet and that the car was clean. It is impossible to ignore the facts which tell in the prisoner's favour, and you will remember this important point, that the night was wet and the car clean. My learned friend, in cross-examining Dr. Ruxton about visits to Blackburn, adopted the familiar line of cross-examination, "You must have been seen by many people," in order that he might cast doubt upon whether Dr. Ruxton was at Blackburn. There is nobody here to say that they saw the doctor's car leave the garage that night at any particular hour, and there is nobody to say that they saw the car upon the road to Moffat. There is no witness to say that there was anything unusual at 2 Dalton Square, that there was a car in front of the house at a given time, and that articles were being packed into the car. This case has been prepared with the greatest thoroughness, and if any such evidence had been available it would have been here. It is said that he

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went to Moffat with the dismembered bodies and threw them down into the ravine, skull, bones, limbs and flesh, and yet never a spot of blood was found on that car. Inspector Green said quite frankly that he was seeing how quickly he could do the journey from Lancaster to Moffat, but to apply that test of time to a man who can only drive left-handed would be quite unfair, and the gravest doubt lies on that matter when we consider that the Crown assert that that man drove with a right hand so badly disabled that he could not grip the wheel, and that he had in the car that which it was imperative no human eye should see, that he had to avoid all risk of accidents, and, lastly, the very time factor itself. It is simply not enough because there is doubt and suspicion which would seem upon a superficial examination to point to guilt, and it is no good saying because those points exist therefore the gaps can be filled. Upon this matter that I have discussed I submit that the moment you begin to examine it with care this essential feature of certitude in the case for the prosecution is found to be lacking.

The prosecution assert that the prisoner never cut his hand as he has stated he did. It is suggested that the scalpel slipped when he was doing his grim work and that that is why his hand was injured. It is not enough for the prosecution to say this, and you will observe that Dr. Ruxton says, "I cut it with a tin-opener when I was engaged in the task of opening a tin of peaches," and he gives the approximate hour and the place. The Crown ask where the tin-opener is and where the tin of peaches is, and evidence is called and the charwomen are asked if they had seen the tin of peaches, to which they reply no. Do you think they were looking for one? That there were tins of fruit in the house with regularity there is no doubt. I submit you cannot rely on that evidence, and you will observe that the tin and the tin-opener, according to the prisoner, were thrown into the dustbin, and this dustbin was never examined. On the Monday afternoon the dustman came and took away the dustbin, which went to the destructor, and there is nobody to say what it contained. Is there any reason in the world to say, "I will not accept the evidence which is given here by Dr. Ruxton as to how the hand was cut"? Remember suspicion is not enough and, casting that aside, what evidence is there? Dr. Shannon gave as his opinion that the wound could not be caused in the way described by the prisoner. That is an opinion. Dr. Ruxton explained to you how it was done and he, too, is a medical man, and if the fact that he being a medical man and a Bachelor of Surgery is put against him in certain parts of the case. In this matter perhaps it may be right to put it in his favour. Again and again he gave you the consistent explanation that he had cut his hand with a tin-opener opening a tin of peaches, and with the exception of a remark to one witness, he has been consistent throughout in substance from the very first moment on the Sunday morn-

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ing right down to the time of writing his statement in the presence of Chief Inspector Vann on Sunday, 13th October, that he did it with a tin-opener. Just because no tin of peaches or tin-opener is produced, the prosecution allege that he never cut his hand in this way, but that he did it dismembering the body. There is no evidence at all to support that proposition.

Great stress has been laid on what took place on the Sunday morning at half-past six, as Mr. and Mrs. Oxley put it, and the prosecution say that they shall prove that Dr. Ruxton went to the house of Mrs. Oxley and told her not to come that day because he did not want her in the house, and because he wanted to hide and conceal those dreadful things which had been happening from half-past twelve on the Sunday morning onwards. Dr. Ruxton says, "I did go; not quite so early, but I did go. I went because my wife asked me to, because it was arranged at that time that we and the children should have a day's outing, a thing that had happened before and a thing that was likely to happen again." He said he went because his wife asked him to go and he did not know Mrs. Oxley's address. When asked how he obtained it he replied that Mrs. Ruxton had Mrs. Oxley's insurance card and the address was on it. I submit that that apparently insignificant incident has upon it the stamp of truth, and if you are once satisfied that it had, that that is in truth and in fact how he went that morning, I will say, not that that is an end of this case, but that it would cause you to hesitate at every single stage. What could any man do more than Dr. Ruxton has done? "It is not true. I went there because my Belle asked me to go." Members of the jury, it is for you. I cannot speculate with you upon these matters, but I want to try and deal with what the evidence has revealed, to submit to you what are the true inferences and the conclusions to be drawn, and to leave it to your good judgment and collective consideration. The prosecution say that they cannot put a witness into the box to say that they saw it, that the evidence must be circumstantial, and that the first link in it is that this is the reason why the prisoner went to Mrs. Oxley. On behalf of the prisoner on the evidence I deny it, and say that the first link that you try to put into this chain breaks in your hands. Observe a very remarkable thing about that matter of Mrs. Oxley. When the doctor went to their house he saw Mr. Oxley, and when Mr. Oxley gave evidence at the police court his evidence was taken down in writing and he signed it, and he used these words, "My wife and Mary are going." He came a day or two later and said, "Make 'are going' into 'have gone,'" and on that deposition the words "are going," at the request of the deponent, became "have gone." He said it was a mistake and I cannot tell you how important is my wish to make you see it as I want you to see it and as you ought to see it. The prisoner said, "I did say 'we are going' not 'have gone.'"

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Now I want you to consider how the prosecution are seeking to prove their case. They say, "You did not go to Mrs. Oxley's for any honest purpose." He says, "I did." Beyond surmise, conjecture and suggestion how are the prosecution seeking to prove their case?

Let me now deal with the events of the Sunday morning which are manifestly of the utmost importance. Miss Roberts came with the paper; Mrs. Hindson came with the milk at ten o'clock; Mrs. Whiteside came at eleven o'clock for the projected operation upon her little boy. There was some suggestion that the importance of Miss Roberts's evidence was that there was then no wounded hand—if there had been, for example, she might have observed it. No reliance can be placed upon that matter at all. The prisoner said that he did not recall seeing her that morning and you have seen him in the witness-box. I would like you to bear in mind his demeanour, temperament, hysteria and lack of control, and bearing these in mind, did he not throughout this case, and throughout the very powerful cross-examination of Mr. Jackson, seem to you to be seeking to deal with all the matters that were put? Mrs. Hindson as a rule went with the milk bottle and put it in the scullery, but on this occasion he told her to put it on the hall table, and it is somehow sought to read something sinister in that he came to the door and said that. On the evidence of the prisoner, his wife and Mary had gone away and he was alone in the house. Could he do otherwise? I suggest that the evidence of Mrs. Hindson about the hand being cut and bandaged tells heavily in his favour if it tells in any direction at all. The theory is that he was interrupted in the grim work. It cannot be. Professor Glaister said in reply to his lordship, "After that, to drain a body and dismember it, as in the case of Body No. 2, would need a minimum of five hours." A minimum. It could not be done in less. Mrs. Ruxton came home about 12.30 that night and the car went to the garage. Five hours from, say, one o'clock brings us to six o'clock, and, on the theory of the Crown, there were two bodies, which further brings us to eleven o'clock. Although I quite recognize that Professor Glaister said that the time might be less in respect of Body No. 1, and adding the five hours required for dismemberment and assuming that he was interrupted in the work, the question arises was the wounded hand bandaged? It was. Were the hands those of a man dabbling in blood? I submit not, and that the evidence of his coming down to the door to Mrs. Hindson tells in his favour. To Mrs. Whiteside at eleven o'clock he said, "I am sorry, Mrs. Whiteside, Bella is away. I shall have to postpone this operation: I have hurt my hand." What could be more innocent? It is said that he appeared agitated, and on several occasions this is brought up against him. If in fact he had murdered his wife and Mary Rogerson, dismembered their bodies, and there was blood strewn

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about the bathroom and the stairs, would it have been possible for him to speak this way to a woman like Mrs. Whiteside?

I submit that there is something wrong somewhere on the time factor. At 11 30 he is at the Andersons. I do not know what you have been thinking about this matter, but all that night and all that morning there were the little children in the house, and whatever may be said about Dr. Ruxton, I think this would probably be clear to your minds that he has a very great affection for those children. At 11.30 they are at the Andersons', and you will have observed that on that day he proposed to bring the children back at night, but owing to the kindness of Mrs. Anderson they stayed there, and he made the return journey to Dalton Square for their night clothes. At four o'clock he goes to Mrs. Hampshire, and the evidence of Mrs. Hampshire is regarded by the Crown apparently as very important in this case. Now, the first thing which was said is this, "Why go at all?" She was a patient, and she had never been before. "You had been to Mrs. Oxley's in the morning and said, 'Don't come.' Why go to Mrs. Hampshire at all?" His answer to that is, "I wanted Mrs. Hampshire to attend to the calls, to be a kind of sentinel and to watch the house. If patients came, to deal with them. She was a lady of presence as distinct from Mrs. Oxley who was a charwoman." These may appear to be small distinctions, but they are the evidence in the case and that is the reason why he made that call. They go to the house and you have heard of the bath, the stairs, the carpets and the suit which have been dealt with by the prosecution. I must now deal with them from the point of view of Dr. Ruxton, and the first thing you will observe about all the evidence of Mrs. Hampshire is that nothing struck her that night as extraordinary in the sense that she had not even the smallest suspicion that in that house at that very moment, on the theory of the Crown, there were the dead and dismembered bodies of Mrs. Ruxton and Mary Rogerson. The doctor's bedroom door was locked and it is very difficult to deal with these things when the only evidence is a door was locked. The rest is surmise, conjecture and guesswork, and so all through the evidence of Mrs. Hampshire is it not plain that nothing in the house struck her in any way as sinister, significant or indicative of foul murder? The carpets were off the stairs and the explanation is that the decorators were due. There is no evidence that the decorators were definitely due next morning, but they were due about the middle of September, a matter which had been arranged in the previous June. According to Mrs. Hampshire the carpets were up because of the decorators; some of them were in the waiting-room, some in the yard and none were on the stairs. Does she say they were steeped with blood? Why, she was grateful for the gift of the carpets in the waiting-room, which she took home, including the stair carpet that ran from that very top landing down the first



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flight, and it is on that flight of stairs that Professor Glaister dealt with the banister. She never said that when the carpet was in the waiting-room it was steeped and soaked in blood, and yet that is the carpet upon which at a subsequent date she said twenty to thirty buckets of water were thrown so that it ran like blood. Can you believe it? The actual carpet is here before your eyes in this Court, and if the Crown are right in the supposition that there was murder on the top landing and the body was carried to the bath-room, that is the carpet all the stains would be on. But they are not there now and all you have got is the uncorroborated and unchecked word of a woman who says later, "I threw twenty to thirty buckets of water upon it and the fluid ran like blood." Never was a more dangerous conclusion to be drawn, because it is utterly and entirely uncorroborated by the other factors in this case. How significant are the suppositions of my learned friend—straw upon the stairs; straw under the doors; the locked door; no man can enter; inside a dismembered body—that is what he is throwing into your mind, but there is no evidence of it. And there under the locked door are the strands of straw which are also to be found upon the stairs and only mean that something had been carried in straw to protect it and taken into the room from which the strands still protruded under the door. The doctor says that they always had straw in the house, that it was in a hamper and that the children had taken some of it and this accounted for the strands on the stairs. But none of these things that she saw on that day did Mrs. Hampshire regard as in any degree sinister, and the importance of the matter is that she recalls them all at a later date.

Dr. Ruxton was arrested for murder and you can imagine the shock. Mrs. Smith, using the north country expression, said, "Why, they must be daft to talk of the doctor like that," and that is the attitude all the way through for days and weeks, but when the great moment of Dr. Ruxton's arrest for murder comes, look how the mind changes and swings and how it covers everything, giving to events long past a significance which they ought not to have. You have seen the five stair pads with stains of blood on them. They are produced here to convey to your minds that that blood is the blood of a murder. Again I would wish to emphasize that there is no evidence of that. The only significance and importance of those pads from the point of view of the Crown is this: those pads were stained with the morning's blood. But is it not a most remarkable thing that Mrs. Hampshire did not remark on it? Dr. Ruxton says that in 1932 there was an accident upon the stairs which resulted in the blood of an abortion or the blood of a false birth, and why in this case should it be an accepted fact that the blood on the pads is evidence of a murder by the prisoner on that selfsame morning? Medical science has reached a very

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high standard, but it is quite powerless to distinguish between male and female blood, and it is unable to distinguish between uterine blood and blood from any other organ of the body. It would appear that blood never ages, and, so far as blood upon articles is concerned, science cannot tell you its age. Speculation and colour are all that you are left with, and although Professor Glaister said in this case in his careful view none of the blood was very old, with all respect to Professor Glaister and his great reputation he is a man fallible like all mankind, and in a case where the issue is one of such overwhelming gravity you would need to be satisfied beyond a peradventure that the Crown have proved that the blood upon these pads is the blood of that morning's murder. This they have not done and cannot do, and I submit there is reasonable explanation in the accident of 1932 which is spoken to by the nurse and the two doctors called at this date, who, whilst they differ on other matters, agree that there was an emergency call and that it was for the purpose of attending the birth of a nine months' child and the removal of an afterbirth. The only point of controversy is the question of where the blood was. They say that they saw none on the stairs, but, gentlemen of the jury, they were not looking for it. In his closing speech Mr. Jackson did not hesitate to say that the place was a perfect shambles of blood. That was a forensic phrase, if you like, because Mrs. Hampshire, who was a witness of it all when she went there, never gave the slightest indication that there was anything to justify such a description, and so I beseech you, when considering the evidence of Mrs. Hampshire, to bear those two cardinal things in mind, namely, (1) that the evidence is recalled after an interval of time and (2) that it does not accord, in my submission, with that which she herself saw and remarked upon at the time.

Dr. Ruxton came back with Mrs. Anderson and two of his children about seven o'clock on the Sunday evening whilst the Hampshires were still in the house. It would appear that the children went upstairs and got their own night things and brought them down themselves. Remembering the locked door, the straw and all the other evidence that Mrs. Hampshire sought to give, would it not have been the simplest of matters to keep the children downstairs? Had he kept them downstairs for the most innocent reason and said, "Do not trouble, I will get them," it would have told hardly and heavily against him, but he did not. Then that night, on the return to Mrs. Anderson's they called at the chemist's and bought 2 lbs. of cotton-wool, and it has been stressed that there must be something sinister about the cotton-wool and the purpose for which it was to be used. Is it suggested that the cotton-wool was bought that night to mop up the blood of the murder? Is the stained cotton-wool that was found in the yard the cotton-wool used for his wounded hand? What could be more innocent? You

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can see how this multiplication of these numerous incidents and items is all gathered together to say, "You killed her," whereas if they are looked at dispassionately they are all capable of perfectly innocent explanation. The 2 lbs. of cotton-wool so emphasized and stressed resolves itself into the most innocent matter imaginable.

I turn now to the Monday, a day that is manifestly important. It is an integral and essential part of the case for the Crown that during the night of Sunday the bodies were transported to Moffat. The Crown have sought to make their case that it was that night, and it is no good saying that if it was not that day it was some other day, and I hope very much that the material before you to which I have referred, the clean car and so on, satisfies you about this, and it is all I need. They have not proved it. The significance of the Monday is this, that the Crown say, "We will show you went to Mrs. Hampshire's at nine o'clock; we will show that Mrs. Oxley could not get in and you arrived at 9.15, thereby proving you had been away." The doctor says, "I was there all night and I let Mrs. Oxley in in the morning." There is the issue, there is the conflict most clearly and specifically defined. Just ask yourselves this question: why in the world should the doctor do these things—"These articles which I know are stained with the blood of a murder; I know it and I will give them into the hands of people who may do anything with them. The suit will be worn, the carpets will be laid down and the blood of a murder is out of my control." Why should he do it? Remember that what the Crown are seeking to establish here is that there was a really cold and elaborately thought-out murder. You realize that the draining of the bodies of blood, the disarticulation of the bodies, the concealment, the transportation, all required organization. It wants thought, scheming and care, so why should he on the theory of the Crown with that knowledge give it into the hands of people like Mrs. Hampshire, Mrs. Smith, Mrs. Curwen and Mrs. Oxley and never have any control over it again? Secondly, why should he go to the Hampshires' without a tie and collar on and in an old raincoat? Why should he not have gone home? He said that he did not, and all that I can submit to you about it is I put it to Mrs. Hampshire that they are wrong about this and that this is a supreme illustration of remembering events of the past faultily. From the moment that that blue suit was introduced into this case in this Court, whenever the opportunity served I sought by questions to elicit the fact that the suit was worn during operations, and the dentist recorded it.

You will have observed how the *Sunday Graphic* has been stressed in this case, but you will also recollect that of the newspapers that it is proved Dr. Ruxton took, the *News of the World*, *The People* and the *Daily Express*, none were found at Moffat. At a very late stage when Mrs. Rogerson was in the box it was suggested that Mary

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Rogerson took the papers from her mother's home, but not another single person ever supported it. Then there was the question of the ring mark upon the left hand of Body No. 1 as revealed in the photograph, and I asked several questions about the possibility of Mary Rogerson wearing a ring, and again it was not until Mrs. Rogerson got into the box that a question on this point was ever put by the Crown, and nobody else except Mrs. Rogerson ever saw her wearing such a ring.

When you are dealing with the question of Mrs. Hampshire and what happened on that morning the prisoner says, "I was not there. The blue suit was not in fact given until that Monday." If you accept that or if you say that the evidence leaves such doubt that you cannot act upon it, I suggest that that would be the right and proper course. The bearing of it is only for the purpose of the statement that he was out at nine o'clock that morning. Again, there is the evidence of Mrs. Oxley who said that she waited and he came. Dr. Ruxton says, "No, I was there." On this Monday afternoon the dustmen arrived at the yard of 2 Dalton Square. They say that there were no burned carpets, and I am going to ask you to say that there is no evidence in this case of burned carpets. One witness alone speaks of a portion of burned carpet in the yard but nobody else. If the Crown were going to say, "We are going to satisfy you that a carpet, an incriminating carpet, has been burned and destroyed," they must do it, and, in my submission, they have not. Every landing and every staircase is accounted for, in my submission, by the exhibits in this case, and the dustmen who called on the Monday afternoon say no word about a carpet whatever. They took the dustbins and whatever they contained, and they took the scrapings of the mortar which had been there for a month. They cleaned the yard up and they departed. The doctor says, "It is quite true I placed in the yard a burned carpet. It is quite true blood-stained towels and handkerchiefs were there which I had tried to burn. There is no secret about the matter. Petrol I used. We always kept petrol there." It was asked why he bought petrol on Sunday and whether he had ever done it before, and his answer was that he bought it on the Sunday because he wanted it. It was on the Sunday he cut his hand and it was on the Sunday he burned the dressing. The doctor says that there was nothing sinister about it at all, and that he did not buy petrol to destroy things which incriminated, and that he merely bought it for the purpose of the surgical dressing for his hand. There was the evidence given of one of the fires in the yard which had been poked by one of the witnesses and which revealed a wad of cotton-wool. "This," the doctor says, "was the very thing I wanted to burn, the 2 lbs of cotton-wool purchased on the Sunday night for that

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purpose." If the Crown were going to say that he had deliberately burned an incriminating carpet, I would ask which carpet and from which stair, and if that be the allegation it ought to have been proved beyond all doubt, and it is not. Why do you think the Crown have laid such stress on the stripping of the wallpaper? Mrs. Smith, who did the stripping, never saw a drop of blood upon it and there was no reason in the world why the wallpaper should be stripped to hide the incriminating evidence. If my learned friend had said that he was going to show that there were smears on the wall where a blood-stained article had been trailed, I could have understood it, but there is not one word of this, and it has been proved not only by the lips of the prisoner, but also by the witnesses for the Crown, that on the last occasion when the bathroom was papered the walls were similarly stripped. Link these facts together—the banister rail and the wallpaper. The banister rail was from the landing down to the first flight and Professor Glaister says in effect, "Do not trouble further, Mr. Birkett, I am with you about this. It could easily have been caused by the bleeding hand of a man descending the stairs," and I did not trouble further with it. The wallpaper was stripped off for no other reason in the world than that the decorators were coming. You will note that the dustmen came on the Monday which was the day of their regular visit. They were not sent for; it was their regular weekly visit to the back of Friar's Passage to clear out the dustbin. That was the Monday, and the only observation I want to make about it is in regard to a thing which I find terribly difficult to deal with by the very nature of the matter. The dustman said—how he remembers it I do not know—"I remember a portion of a blue dress with glass buttons," and other witnesses say Mary Rogerson had a blue dress with glass buttons, and, of course, that kind of evidence sends a perfect chill to the heart, because the Crown are seeking to say that that piece of blue dress with glass buttons was burned because Mary had been killed. Where the connexion is you may see; I do not. The prisoner says, "I know nothing about it," and why should he? You heard my learned friend base the whole of his case in this matter upon this, that the loyal Mary, who died for her loyalty when her mistress was attacked on the early morning of Sunday, came to her relief and died for it. Would she be dressed in a blue dress with glass buttons at one o'clock in the morning?

Now I pass to the Tuesday. The only importance of that day is the visit to Seattle. The doctor says, "I went to Seattle to see Mrs. Holme, intending to make an arrangement for the accommodation of my children and I lost my way." It is a very remarkable fact that Mr. Jefferson, who spoke about being with the doctor on two occasions when they went to Seattle by

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car, said that as a matter of fact they lost their way both times. The Crown seek to say that he never went to Seattle, that it was a lie and that he had been somewhere with some portions of the bodies. Well, they must prove it. In Kendal he touched a man on a bicycle, and again the Crown say that he did not stop because he was frightened; but this is all supposition and mere conjecture. The policeman who stopped him at Milnthorpe says that he said he had been to Carlisle on business, and the doctor says he said that he had been on the Carlisle road. In a good many of these conversations, bearing in mind what you have seen and heard of Dr. Ruxton, particularly in moments of excitement, you may think it is quite possible that slight mistakes in conversation will arise. The Crown wish him to say that he had been to Carlisle as it is what they have been suggesting, but according to him he merely said that he had been on the Carlisle road. A further discrepancy arises as to the time he got back. Miss Dorothy Neild said that she had left Morecambe by the 1.20 bus, gave us the time of the journey, spent a little time going here and there and arrived at the latest about 2.15 at the house. Other witnesses have put it as late as 3.30. And all this is done to show this, that he did not go to Seattle and that he went somewhere else. I ask you to say that upon this day, the Tuesday, the Crown have utterly failed to support any contention that the prisoner had been upon some nefarious work.

I now pass to Thursday, the 19th, and again the Crown are attempting to build on theory alone. "That was one of the days when you were away somewhere—we do not know where—doing something with regard to those bodies." That is theory and theory only. Then there is Mrs. Oxley and the evidence of the locked door, the purpose of which is to convey to your minds that behind the locked door was the secret which must never be disclosed. There is the haste, hurry, breakfasting quickly, the car going to the back of Friar's Passage, the coming and going, the ascending and descending which my friend tries to convey to your mind is descriptive of bodies—things which no human eye must look upon—being taken by the doctor from the locked room. Is it right that the Crown should seek to convey to your minds something dreadful and sinister was going on that morning when, as a matter of fact, Mrs. Oxley, their own witness, said, "If I cared I could see"? Dr. Ruxton said that for the most innocent purpose in the world he went upstairs for his camera and tripod and then motored to Blackburn. He told Mrs. Curwen he had been to Blackburn and he said that he thought he might get evidence about Bobby Edmondson's car. On the theory of the Crown he has murdered her, but on the 19th he goes to Blackburn to see if by chance he can find her whereabouts, and takes a

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camera in the car, and all that the Crown can do is to say, "We do not think you went to Blackburn. We cannot prove, of course, that you did not go to Blackburn, but we shall tell the jury in our view you did not go to Blackburn. We think you went somewhere else, where we do not know, to do something which we do not know, but which we think had something to do with the murder on the previous Sunday." Is that the kind of evidence upon which a man ought to be convicted? That was the day when the prisoner freely admits he was not shaved by Mr. Howson, and it is the day upon which Mrs. Anderson says that he did not come to her house. The prisoner says, "That is very possible. I thought I did." But if he did not go to the Andersons', and if he did not have a shave, does that show he is a guilty man?

With regard to the blood-stained nightdress about which Mrs. Smith speaks on 23rd September, he says that he never saw it, and according to the evidence Mrs. Smith never says she washed it or commented upon it. On the theory of the Crown persistently and consistently put forward, that is just the kind of thing he would destroy and burn. For all you know that stain upon the nightdress was caused in the most innocent way at an unknown time of which the prisoner knew nothing, but it is one of the matters introduced into this case to give this general air of suspicion or guilt. Mrs. Curwen speaks of 18th September, of a portion of a blue material which matched the blue beret and also of a portion of red material. Ask yourselves again what in the world he wants to burn a blue coat for in the house? He says he did not. Then it is said also that there was the burning of the red dressing-gown. All that Dr. Ruxton can say about that matter is that he did not do it. Similarly with the portions of three handles found in the yard. From what they are supposed to come and what was the nature of the suitcase, we have had no evidence at all. You would have thought somebody would have said, "In this household there were suitcases which I knew existed and I saw none of them." With regard to the evidence about the fires in the yard, I ask you to look upon it with the gravest suspicion in view of the evidence of people like the Mathers. If it is not true, it is a dreadful thing. Look upon it with a critical eye and again draw no conclusion that is hostile to the prisoner until you are satisfied beyond all reasonable doubt of this, that not only did he do it and with knowledge, but that you are satisfied beyond all reasonable doubt that he did it with knowledge to hide this crime. So far from that being proved, the gap between that is, in my submission, so deep and so wide that it is completely unbridgeable by the prosecution, and you ought, in my submission, to disregard it.

I want to say a few words now on the topic of motive. My

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learned friend first said, "We are to satisfy you about the identity." I am leaving that to the last. Then he says, "Look at the evidence which I have been discussing before you. Does that not show guilt?" I submit it does nothing of the kind. Then he adds to it motive. It is never incumbent upon the prosecution in a charge of murder to prove motive, but they say, "We will show you the motive; here it is—jealousy because of infidelity." I ask you to accept with the greatest reserve evidence spoken to after the event, such as that which has been given in this Court from servants and others, and the evidence of the knife, the revolver, the holding by the throat, the putting upon the bed and so forth. The doctor is arrested for murder, and how it colours the mind. This is clear, and I do not seek to deny it, that there were intervals and periods of the greatest possible unhappiness. You will remember that phrase employed by Dr. Ruxton, a phrase so revealing and so powerful—"we were the kind of people who could neither live with each other, nor live without each other." Unhappiness was no new thing. One of the greatest difficulties I have had to deal with in this case was the matter of Mr. Edmondson. There are the documents, the letters and the references, and to do justice to Mr. Edmondson and at the same time to do my duty to my own client, Dr. Ruxton, you may think was a matter of some anxiety: but this is clear, that jealousy of Edmondson was no new thing. The Crown say that it was on that account murder was committed that night. My learned friend actually said to you, in addition to that, that on that night coming from Blackpool he thought she had been with Edmondson, and that was the founding of the crucial moment. In this long statement which has been read to you there is this phrase, "Bobby Edmondson was supposed to go to Blackpool with his family, and if Mrs. Nelson had not been there I would not have permitted it"; nothing new about it, nothing sudden or surprising in its disclosure upon that return from Blackpool. The Crown say this was a record of marital unhappiness, grievous quarrels; she had left him and under the persuasion of her sister had returned, and there in that family was this canker, this jealousy of Edmondson, and so he would kill her. I suggest to you it is fantastical, and to suggest that that was the motive and that was the occasion is, in my submission, not to strengthen this case in any particular but on the contrary to weaken it. For years that unhappiness had subsisted, and there was nothing revealed to you upon the evidence which on that occasion should prompt him to do that which the Crown lay at his charge.

You have heard the evidence given by Professor Glaister and his colleagues on the blood and human protein which were found, and the samples from the drains. You may think that there are very few doctors' houses where, if you took a sample from



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the gullies into which the bathroom water runs, you would not find human protein, serum of blood and human hair. The last thing I would ever desire to do in a case of this kind would be to be in any degree facetious, but you know as a fact that the hair on the head comes out with a brush and to wash the hair in the bathroom is the commonest thing. Here you saw it in that bottle. That is the evidence here—on a murder case! I have acknowledged the fairness with which the whole of the evidence is given, and, indeed, with the exception of the suit and the pads, I submit there is no evidence in this case which in the remotest degree justifies the use of the word “shambles.” The suit has been dealt with and I cannot say more about it. The evidence is before you—caused by the operations, a different colour of staining. The pads—perfectly consistent, in my submission, with the blood of 1932. The blood, spoken to with such meticulous care, in the bathroom, on the linoleum, in the cupboard, all perfectly consistent with a cut from the hand or anything of that kind. Alluding to the evidence of the blood, the Crown seem to say that is evidence of murder because of certain operations of which we know nothing which took place in the bathroom where blood was flowing. All the considerations which I have put forward with regard to the use of soap, all those matters are before you, and therefore I would submit that the whole of that evidence, the whole of the medical evidence upon the matter of blood is, to say the least of it, extraordinarily inconclusive and is equally consistent with the blood from the wounded hand on the Sunday morning and the blood of 1932.

My learned friend has said, and I commented upon it at the outset of my speech, that if you are satisfied that the identity of these remains in the ravine at Moffat had been satisfactorily proved to be the remains of Mrs. Ruxton and Mary Rogerson, then your task was wellnigh completed. Members of the jury, with all the power I have I deny it, and if you are satisfied beyond all doubt, that these are the bodies, it has not proved this murder. If they went away that morning from 2 Dalton Square, it matters not what was found, so far as the guilt of the prisoner is concerned, as to where they went, why they went, how they went, or into whose hands they came. These are not matters for the defence. I only mention them as possibilities because that statement of my friend to you envisages this, that the possibility that somebody else committed the crime is not even considered. He says, “Prove the identity and you have proved wellnigh all.” I say, “Prove identity, and so far as this murder is concerned by itself you would have proved nothing.” Therefore upon the identity all I want to say is this, you would observe that I did not challenge, indeed I could not challenge, the medical witnesses upon the sex of these bodies. They were females. Neither was I able to challenge the comparative age or

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the height and matters of that kind. When you have assembled the hips, hands, arms and skulls, when you have had the photographs taken of approximately life size, the evidence of Professor Brash was, "This might be the body of Mrs. Ruxton; this might be the body of Mary Rogerson." That is what they say—*might*. That is to say, that the highest scientific evidence in the land can say no more as I understand it than this, it might be. My friend says, "Yes, but observe these two bodies were mutilated and they were mutilated in certain well-defined places. They had peculiarities and that shows the mutilation was by somebody who knew them." He further says the prisoner is a doctor possessed of surgical skill and therefore this task was well within his power. How far do many of those matters which have been spoken of as distinguishing matters carry us? Upon how many millions of human beings, if a census was taken, might there not be found to be four vaccination marks? Members of the jury, my lord will tell you that upon all this evidence you will have to be satisfied that it is satisfactorily proved that the bodies are the bodies of Mrs. Ruxton and Miss Rogerson, but it is a matter which I am sure you will consider with the greatest possible care. This matter of the teeth upon which my friend relied really does not help the Crown at all. The evidence was that six teeth had been extracted from Skull No. 1. Professor Hutchinson said extracted for a long time, not recently extracted, and he says eight. There is similar evidence of disparity in the case of Skull No. 2. The ring mark I have dealt with and, I submit, that is by no means conclusive in this matter. The greatest emphasis and stress has been laid on the fact that with the remains in the ravine at Moffat there were found articles from 2 Dalton Square, a paper, the *Sunday Graphic*. If the doctor is right, and they went away that morning, they could easily purchase the *Sunday Graphic*, and there is an end of it. If you are satisfied that no mistake had been made about the evidence of the children's rompers, given to Mary Rogerson by Mrs. Holmes, with the peculiar knot, the blouse bought by Mrs. Rogerson at the jumble sale, for all you know these things may have been with them. On all the matters relative to going away, how they went, with what clothing, whether by train or bus, on all these matters which come to your mind, remember that in all the burden is on the Crown to prove their case.

Now I think that is about all I desire to say to you. You heard the statements made to the police, and I am not going to trouble you about these now because they are before you. You have heard the evidence given by the prisoner, the detailed evidence dealing with all those matters, and you have heard the explanation which he has given with regard to Mrs. Oxley, Hall, and Dorothy Neild after he had been interrogated by the police about Mrs. Smalley on 24th September. My learned friend, Mr.

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Jackson, spoke about the responsibility which rested upon the advocate for the Crown and of the responsibility which rests upon all of us who take part in a trial of this kind. It is not for me to speak to you about the responsibility which rests upon counsel for the defence, but I should like to say that to the best of our ability my learned junior and myself have endeavoured to discharge it. The ultimate responsibility in this case is yours, and I would not desire that any word of mine should seek in any way to dissuade you from doing what you conceive to be your duty. Your duty is to return a true verdict according to the evidence. I will end as I began. The true verdict according to the evidence must always bear in mind the golden rule—the case must be proved, and proved beyond all reasonable doubt. The decision which you have to make, members of the jury, is a decision of the greatest solemnity and the greatest responsibility. It is irrevocable, and if you have doubt give utterance to it now. If there are omissions or failures in this case, lay them not to the charge of the prisoner, and in the discharge of that anxious, solemn responsibility you will remember this, that it is the verdict of you all: it is a collective verdict, but in the deepest and highest sense it is an individual verdict. Each man must answer for himself. If you have a doubt, speak it now, and I submit to you that on a full, dispassionate and impartial consideration of all the evidence in this case, this remains true, the Crown have failed to prove this case beyond all reasonable doubt, and that your verdict for Dr. Ruxton must be a verdict of Not Guilty.

The Court adjourned.

Eleventh Day—Friday, 13th March, 1936.

## Charge to the Jury.

MR. JUSTICE SINGLETON—Members of the jury, on 29th September, 1935, Miss Susan Johnson was walking along the Moffat-Edinburgh road near Gardenholme Linn Bridge, which is about two miles from Moffat. As she was crossing the bridge, she did what many other people do; she looked over down into the gully below, and saw what she thought was an arm lying down somewhere in the bed of the stream. She went back to the hotel, where she saw her brother at lunch time, and as a result of what she said to him, the brother and a friend went to the bridge. They went down to the water's edge and they saw a forearm and head which were wrapped, or partly wrapped, in newspaper. He also saw a bundle contained in a sheet and part of a leg sticking out from the bundle. They telephoned for the police, and Sergeant Sloan arrived about twenty minutes to four that afternoon. He looked

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further and saw four bundles; two heads, two forearms with hands without finger tips and thumbs, and a right thigh bone. Thereafter a search was made and other human remains were found, some in the bed of the stream, some on the bank, and some at a point on the River Annan which seems to have been somewhere more than 500 yards from the bridge.

The finding of those remains took place on different dates. On 28th October a foot, which was wrapped in the *Daily Herald* of 31st August, was found on the main Carlisle-Edinburgh road, some distance away, and on 4th November Miss Halliday found a hand and forearm by the roadside in a place where there had been bracken. The forearm and the hand showed signs of greater putrefaction than the other remains. Those parts which were found were submitted to most distinguished experts, who put them together. Over and above those parts which were put together, there were 43 pieces of flesh of human tissue of one kind or another which could not be put to either body with certainty. At first it was thought that the two bodies were bodies (1) of a man and (2) of a woman. But now you have before you the definite opinion of those who have examined these portions of bodies, that they are the bodies of two women.

It appeared that Mrs. Isabella Ruxton and Mary Rogerson had been missing from 2 Dalton Square, Lancaster, since 14th or 15th September. Investigations were made and this charge results, which is one of wilful murder. The prisoner is charged that on some date about 14th September he murdered his wife. Murder is the killing of another person with malice aforethought. Now, members of the jury, put aside from your minds everything you read before and any knowledge of any kind you could have got anywhere before, because you are charged to investigate this case on the evidence which is given before you, and on nothing else. You, and you alone, are the judges of fact. It has been my duty from time to time to rule on questions with regard to the admissibility of evidence, but on questions of fact you are the sole judges. The responsibility for the verdict which is to be given is yours, and yours alone.

The prisoner must be given the benefit of any reasonable doubt there is in the case. The prosecution has to satisfy: for the defence it is enough to show a reasonable doubt in the minds of the jury. You have heard the prisoner's answer. He told you "I know nothing of the matter. I did not kill my wife." He said "She and Mary Rogerson left on the Sunday morning and I thought they were going to Edinburgh. I have not heard from them since." He is entitled to say further: "I handed to the Chief Constable of Lancaster on 12th October a document 'My Movements.' I made a statement to the police. I have given evidence on oath." It was natural that he should show

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signs of emotion from time to time when he gave his evidence. He obviously is a person who is somewhat highly strung. You will bear every attention towards everything he said. One who gives evidence on oath, when he is on his trial, is entitled to have consideration given to his evidence just as much as any other witness.

The prisoner does not seek to explain why his wife and nurse-maid should go, leaving the children, nor does he show how they went. We know his car remained and evidence was given that inquiries were made at the Castle Station at Lancaster and at the bus station to see if they could be traced before these bodies were said to be theirs. But no trace of them was found, so far as we know. Members of the jury, it is not for the prisoner to explain. If his answer raises a reasonable doubt in your minds, it is your duty to resolve that doubt in his favour.

Now, the case for the Crown occupied some days. In order to prove the case for the prosecution, it must be proved, first, that Mrs. Ruxton was murdered, and, secondly, that the prisoner did it. Unless the Crown prove both, the case falls to the ground. They seek to prove that Mrs. Ruxton was murdered, by evidence that she has not been seen since 14th September, that her body, or part of it, was discovered at Gardenholme Linn, or thereabouts, and by evidence of bloodstains and blood marks in the house at 2 Dalton Square, Lancaster. They seek to prove that the prisoner committed the murder, by evidence that the prisoner was the only grown man in the house on the night or day of the disappearance, by evidence of different accounts given by him, and by evidence of bloodstains on his clothing as well as on things in the house. Allied to both questions there is evidence as to clothing, carpets and other articles, and also as to the body of Mary Rogerson and her clothing. The charge relates to Mrs. Ruxton, but both she and Mary Rogerson are said to have been in the house on the night of 14th September. The prisoner is said to have told several persons that they went away together, and if her remains are identified, particularly if it be the fact that some portions of her body are found in the same bundle as some portions of Mrs. Ruxton's body, then you may get help in determining the identity of Mrs. Ruxton's body. There has been considerable evidence as to the relations between the prisoner and his wife. You were told of quarrels: Mrs. Oxley mentioned a quarrel a day or two before 14th September; Police-Constable Wilson told you of some incident or incidents some time before; the Chief Constable of Clitheroe told you of some trouble there had been; and Sergeant Stainton gave you some evidence with regard to it.

Mrs. Nelson, a sister of Mrs. Ruxton, told you of at least one quarrel, when her sister had left the prisoner, taking all

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her things, in November, 1934, or thereabouts. Then those three witnesses who had been employed at 2 Dalton Square—Charlotte Smith, Eliza Hunter and Vera Shelton—gave you some evidence, and it is fairly clear from the prisoner's own evidence, that they did have quarrels from time to time. You remember the expression of his: "We could not live with each other, and we could not live without each other." Undoubtedly they quarrelled from time to time, but the fact that people quarrel does not mean that one kills the other. It may in some cases give help if there is some particular source of jealousy arising: on the other hand, it may give none.

Mrs. Ruxton was born in the year 1901, so she was about 34 years of age on 14th September of last year. So far as one could gather from the evidence of Mrs. Nelson, she and the prisoner met some eight to nine years ago. For the last five years they had been living at 2 Dalton Square. They had three children living: Elizabeth, who at the material date was between five and six years of age; Diane, who was four and a half; and Billy, who was two. Mrs. Nelson was some 15 years older than her sister, and according to her Mrs. Ruxton paid her many visits. They were always friendly. On the night of 14th September, Mrs. Ruxton went to Blackpool and saw her sister there and took her to see the illuminations. Not one of them, so far as we know, has heard a word of Mrs. Ruxton since that 14th September. You may think that in times of difficulty, in times of stress, Mrs. Ruxton turned to her sister. You may ask yourselves, if Mrs. Ruxton is still alive, how comes it that she has not turned to her sister?

Mary Rogerson, the nursemaid and general help, after one period with the Ruxtons, was persuaded to go back again, and for some two years before 14th September, 1935, she had been the constant help in the house. You heard from her father and step-mother that she was one who always went home on her half-day. She was never away except when she went to Seattle for a fortnight with the children, and then she sent postcards almost daily. She was attached to her family and they were attached to her.

If Mary Rogerson is still alive, can you explain how it is that the family has not heard a word from her? There has been running through this case a suggestion of a possibility that she was pregnant, or might be pregnant. Her step-mother told you of her normal condition in August, and when, after she had disappeared from the house, Mrs. Curwen cleaned up her room, she found the soiled sanitary towels which you might think showed that she was not pregnant in September. It is said that in such cases it does not always show it, but you may think it is better evidence that the girl was not pregnant than anything that you

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have heard to suggest that she was. The suggestion, 'if it be one made without foundation, may have been something to encourage the father not to cause inquiries to be made about his daughter who was missing. I put two questions to the prisoner at the end of his evidence on a matter which I thought important: "Was your wife fond of her children?" You heard his answer. "Was Mary Rogerson fond of the children?" "Yes, she appeared to be always fond of the children." Can you conceive that that mother left her children without a word on the Sunday morning, that Mary Rogerson left without a word on the Sunday morning, and that they are both still alive and that neither has even sent a postcard to one of these children, or inquired as to how the children are?

Mary Rogerson was last seen alive at 7.15 on the Saturday night. I mentioned the sanitary towels a moment ago. But beyond that, there was found on a chair in her bedroom, her nightdress; and the witness who found it, Mrs. Curwen, told you that the nightdress had been worn since it was washed. We may assume that was the nightdress she was wearing during the week. Do you think Mary Rogerson went away on a visit, leaving her nightdress on a chair? I do not suppose she was one who had many nightdresses. Some of her clothing, or her articles, were made by her step-mother.

Some time later the prisoner asked the witness, Ernest Hall, to remember that he went to the house at half-past ten on the Saturday night and that he was admitted by Mary Rogerson. I will read you the words of Ernest Hall, as far as I took them: "He asked me if I remembered ever going to the house at half-past ten on Saturday night, 14th September, to repair a fuse, when Mary Rogerson opened the door. I said I did not remember it at all. He said 'Surely you remember coming in that particular night?' I said I did not. There was a little argument. I asked him, did he mean the Monday night, when I repaired the lavatory seat? He said I was to forget that I had been in that night—to forget all about it. He said 'Surely you remember Saturday, September 14th. Be prepared to swear in any Court that you came in that particular night and Mary Rogerson opened the door for you.' I said I could not remember that night. Then it came back to me what I had been doing. I said to him it was impossible for me to have been there on that night as he had signed me on to the panel that morning, and I was at home in bed." I do not altogether understand that; but why was the prisoner anxious to show that Mary Rogerson was alive at half-past ten that night? The case for the Crown is based on the theory that Mrs. Ruxton was killed first by the prisoner, and that the girl was killed afterwards, because of her loyalty to her mistress. If either of those grown

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persons had remained alive in the house at a time when the other was dead in the house, if that occurred, she would get to know about it in one way or the other, one would think. Which was killed first, if they were killed in the house, there is no evidence to show.

Mrs. Ruxton was last seen alive on the Saturday night at half-past eleven. She had with her on that Saturday night in Blackpool this attaché case (Exhibit 30). It is one which her sister told you she gave to her about a year before, and the sister Mrs. Nelson, saw Mrs. Ruxton carrying this on the Saturday night, when they were in Blackpool. Mrs. Ruxton left Blackpool, apparently, at about half-past eleven and later this attaché case was found among her things. I think it was in the suitcase, or trunk. From that time nothing is known of Mrs. Ruxton or of Mary Rogerson.

On 9th October the prisoner went to Edinburgh. He had before that written one or two letters to Mrs. Nelson, one on 6th October. The most important thing is this: "She is trying to help our maid, who is in a certain condition" On 8th October he had written to Mrs. Nelson a letter which was read to you in full, and in the course of that letter he said "I know Isabella a little better than any other person. She will never be happy anywhere the way she has left me and the children," and then he asks about certain friends and relatives and he puts into the letter this sentence: "She has taken practically everything with her." Was that true? According to the evidence which he gave, and the statement which he had made, she and Mary Rogerson left the house almost hurriedly with, so far as I have heard, no means of transport. We know that a great deal of her clothing remained at the house. You have had pairs of shoes and dresses, coats and skirts shown to you. When he wrote to Mrs. Nelson, "She has taken practically everything with her," was he speaking or writing the truth? I think I am right in saying that the 8th is the day on which he gave orders for certain articles of Mrs. Ruxton's to be put into a trunk or suitcase, and that day, or the following day, gave away the balance of the clothing. He says "I intended to take a suitcase to Mrs. Nelson with the idea of saying, 'Tell her I won't have her back. There are her things,' but I changed my mind." If that was in his mind, how came it that he wrote to Mrs. Nelson on 8th October: "She has taken practically everything with her"? He went on 9th October and saw Mrs. Nelson at her sister's house. "He was very excited," she said. "He asked if I was hiding her. I said 'Do you not know yourself where she is?' He said 'What do you mean?' I said 'Have you done anything to my sister?' He said 'I would not harm a hair of her head, I would not touch her; I love her too much. I do not stand to



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make a penny by her death.' He said she had been very extravagant. He was very excited and spoke a lot. He did not come to the point as to how she had left until I asked him. He said he was afraid she had gone away with Mary and was helping her. He said Mary was pregnant. I asked him how he knew about that, and was he sure. He said he had heard the children saying Mary had a sweetheart, a laundry man, and he had heard the woman who came in bothering her about the boy, and he said she might want to get married. He said he had told my sister 'Mary may leave us and we will be left without anyone for the children.' He had put the question to Mary, 'Was she going to be married?' He said 'She cast down her eyes and said "Oh, ask no questions and you will be told no lies." He said, being a doctor, he could see her condition himself. He said he had noticed it when she came into the room with some tea things. He asked me 'Was anyone with us at Blackpool?' I said my sister was quite alone. He told me my sister had been to Edinburgh with a young man, and they had occupied the same room, and he had been to the room, or something of that kind. He said he had followed after them to Edinburgh, and he had put a brown paper screen across his car window so that he could see them but they could not see him. He said he had seen his own car garaged alongside Edmondson's, and he added 'Imagine my feelings.' He said he had gone to the hotel and had seen the names Mr. and Mrs., or Dr. and Mrs. Ruxton. He said my sister had been sleeping with Edmondson, but he did not say that he had any proof of it. I said that was ridiculous, because the boy's father and mother and his sister were there as well. He said he got back to Lancaster first and had received his wife very lovingly at first, but then he told her she was telling lies, as she told him she had slept at my house"—at Mrs. Nelson's house—"because he had followed her. He said he had accused her of sleeping with the young man." Now that, of course, related to the journey to Edinburgh the week before. Of course, her recollection may be at fault; but if you can rely upon her recollection and you find it to be true that the prisoner had on 9th October told Mrs. Nelson that his wife had been to Edinburgh with a young man and they had occupied the same room, or something of that kind, that he had told Mrs. Nelson that her sister had been sleeping with Edmondson, you might think there was a very jealous man, whether his suspicions were well or ill founded. But Mrs. Nelson said something further: "I asked 'Did she take her things with her?' He said 'Everything except an old leather coat.'" You remember there was a leather motoring coat which was produced and which was behind a door. "Everything except an old leather coat; cleared out absolutely everything." I asked 'How could she clear out everything with-

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out your knowledge? ' ' ' If it be not true, why is he saying it? You will bear in mind at this time it was thought that the two bodies which had been found in the ravine were the bodies of a man and a woman. It was a day or two later that intimation was forthcoming that they were two women. It is a little difficult to see that the prisoner was putting into a suitcase the better and more valuable part of Mrs. Ruxton's clothing, with the idea of taking them to her sister's, if he was telling the sister that she had cleared out everything—everything except an old leather coat. If she had taken everything or any quantity of clothing, one wonders how she got away from the house, and how she got away from Lancaster.

George Oxley, the husband of the charwoman who helped in the house, said that at 6.30 on the Sunday morning the prisoner came to his house—a somewhat unusual time to come. The prisoner, of course, says his wife told him to go; she told him the address. He says on that Sunday morning at 6.30 he took a message that Mrs. Oxley was not to come, and the prisoner added "Mrs. Ruxton and Mary have gone away on a holiday to Edinburgh."

Miss, or Mrs., Roberts, who delivered the papers, said "On the 15th September, it was approximately nine o'clock when I delivered them. I rang the bell first of all and got no reply. I only rang it once. I went away for a few minutes, returned, and rang the bell three times before getting a reply. In the space of a few minutes, about three, the door was opened by Dr. Ruxton himself; it had been the usual custom for either the maid or charwoman to answer the door. He said 'My maid is away with my wife.' " She understood him to say in Scotland. She says that was about nine o'clock. You heard the evidence of the doctor, and I think I am right in saying he said his wife and maid went about half-past nine. He had given an account already, before this evidence was given, in the document "My Movements" which was read in part to you.

Mrs. Hindson, the lady who delivered the milk, did not go until ten o'clock. She rang the bell in the ordinary way and the doctor answered the door, and said his wife and maid had gone away with the children and that he had been to tell his charlady not to come and that he had jammed his hand. I suppose, in a sense, it may be natural to explain opening the door yourself, but a good many people are told "My wife and maid have gone away" or "My wife has gone away," if the evidence be true. At 10.15 that morning Partridge called to deliver the *Sunday Graphic*. I do not think he spoke to Dr. Ruxton. Mrs. Whiteside went just before eleven o'clock for the small operation on her little boy. The doctor opened the door and said "I am sorry, Mrs Whiteside, but I cannot perform the operation to-day as my wife has gone away to Scotland and there is just me and my little maid, and we are busy taking the carpets up ready for the decorators in the morning. Look at

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my hands, how dirty they are." She spoke to seeing only one hand. There may easily be a mistake with "my little mites," and I should not attach great importance to that. Throughout this case, if there be any doubt about anything you should resolve it in favour of that man in the dock. There may be easily a mistake between "little maid" and "little mite." On the other hand, if one looks at the evidence of Mrs. Whiteside, what a peculiar thing it is, is it not, if he has cut his hand either with a knife or with a tin opener, and if all is well and nothing is wrong, that a Sunday morning should be taken to pull up the stair carpets or some of them? You would have thought that if a doctor had cut his hand like that right hand was cut he would have been very careful to have it well bandaged up quickly by somebody who could attend to it properly.

Mrs. Anderson told you that Dr. Ruxton went with his three children between eleven and half-past on the Sunday morning and asked "Would I do a favour as Mrs. Ruxton had gone away for a few days on holidays and Mary had gone with her," and she agreed to look after the children for the day. It was not thought that they would stay the night at that time, but ultimately they did. Mrs. Anderson said "At first Dr. Ruxton told me Mrs. Ruxton had gone on a holiday, but later he said she might have gone into business with Mary." He said Mrs. Ruxton had taken all her clothes except her Scotch kilt, and she added that she never suggested to him that Mary was pregnant. The prisoner is said to have said Mrs. Anderson had told him Mary was pregnant and that led to this statement. You saw Mrs. Hampshire, and you heard yesterday in the course of the prisoner's evidence certain answers given by him, "It is all lies. Why do they tell lies about me?" I am not saying whether he was referring to Mrs. Hampshire, then, Mrs. Oxley, or Mrs. Curwen, but you heard the witnesses for the prosecution as a whole. Do you think you have detected the slightest sign of anything untruthful in any one of them? A little exaggeration was suggested by Mr. Birkett in regard to the two girls about the fire. If girls see a fire of some sort burning at night and it is unusual for them, I suppose they may think more of it than possibly you or I would have done. Again, a witness may forget and go completely wrong about a date or a detail, but whether it is Mrs. Hampshire, or Mrs. Oxley, or Mrs. Smith, or Mrs. Curwen, or any other witness in this case, have you detected the slightest sign of the witness trying to make things unfavourable? Mrs. Hampshire's evidence on these matters was important. The prisoner went to her on the Sunday afternoon. Why he should, I do not know. He knew where the charlady lived if he wanted something done in the house. He went to Mrs. Hampshire and she said "I asked him where Mrs. Ruxton was and he said she was in Black-pool." Again, there may be a mistake, but are all these people mistaken? "I asked him where was Mary and he replied that

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Mary had gone on a holiday. Later I asked him where was Mrs Ruxton and he said she was in Edinburgh. I said he ought to send for her when he was so ill and he said he did not want to spoil her holiday." Again, Mrs Hampshire asked why he sent for her on the Monday when there was nothing to do. He said "I sent for you because you give me courage." That is her evidence. "I asked why he did not send for the missus. He said 'She is in London.' I said 'Doctor, you are telling me lies.' He said 'Yes, I am I am the most unhappy man in the world My wife has gone away with another man and left me with the three children. You meet a man and make a friend of him, and he eats from your table and makes love to your wife behind your back.' He said 'It is terrible.' He was awfully distressed and laid down his head and cried." That is the third account to Mrs Hampshire. Later, during the course of the witness's cross-examination by Mr. Birkett the witness said: "He said Mary had gone on a holiday. He did not suggest that Mary had gone with Mrs Ruxton."

Members of the jury, she said "On the Monday morning he said his wife had gone to Edinburgh," and that surprised her. She said it was true that on the Monday afternoon when he said his wife was in London she thought it was strange, and she said "You are telling lies, doctor" The doctor says that no such incidents took place and he would not have tolerated Mrs. Hampshire saying "You are telling lies"

Then Miss Bessie Philbrook was called before you, and she said that some days later Dr Ruxton had met her and said that Mrs. Ruxton and Mary were in Scotland and did she know that Mary was pregnant. You may wonder why! To Risby he said some time later "Mary has gone to Scotland for a week or a fortnight." He was not sure whether it was a week or a fortnight. Mrs. Oxley told you that on the Sunday morning she heard the prisoner telling her husband "Mrs Ruxton and Mary have gone on a holiday"—at half-past six, understand, in the morning if the evidence is to be relied on—"to Edinburgh and I am taking the children to Morecambe." She was not to go that day. She said he told her they had gone to Edinburgh. "My wife has gone touring with the car" was the story as given to the Corporation motor driver. Then Mr. Anderson of Morecambe told you that the doctor mentioned the question of abortion and suggested Mary Rogerson had gone away to have an illegal operation performed upon her. Mrs. Curwen was told that they had gone to Edinburgh for a holiday. Mr. Rogerson, junior, saw the prisoner about 23rd September, and said the doctor told him "Mary and Mrs. Ruxton have gone on a tour to last over a week or a fortnight. He asked me if Mary had had any trouble at home. He asked me if we had heard from her and I said no. He said it was nothing unusual for him not to hear from Mrs. Ruxton. He asked if we knew of

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her going about with a laundry boy and I said we had heard nothing of it." Mrs. Rogerson, after telling you about the articles of clothing, said "On Wednesday, 25th September, the prisoner came to our house about ten o'clock. He said Mrs Ruxton and Mary had walked out of the house and were away thinking they were going to get this trouble over. On 1st October my husband and I went to 2 Dalton Square. He told us he did not know where they had gone, but they had broken into the safe and taken £30." As far as I remember it is the first time that story comes to be told. "He said, 'You do not need to worry. They will come back when the money is done.' We told him we were going to inform the police and went across to do so." Mr. Rogerson, the father, after telling you about the girl's habits, said that on Wednesday, 25th September, he saw the doctor, who said Mary was pregnant. "He said Mrs. Anderson was at our house to tea and she said 'Look at Mary. She is pregnant' and that he had looked and said 'My God, she is and I as a doctor know.' " Mrs. Anderson says that is not true.

Assume that this is a false accusation made for the purpose of explaining the absence of the two women, the doctor, the employer of the maid, goes to the father of the maid and casts forward the pregnancy suggestion and says "It will ruin my practice if it is known." It may be that is why it is put forward, to keep people from making inquiries about the missing Mary Rogerson as far as possible and as long as possible. Inspector Moffat said that on 24th September the prisoner showed him his hand, and gave him to understand that his wife was missing when he came back from visiting patients.

I want now to draw your attention to the state of the house as far as we know it. Mrs. Hampshire went on the Sunday afternoon at the request of the prisoner. According to her evidence, he said he would give her 7s 6d. if she would scrub down the staircase. That is the first matter to which I draw your attention, as the prisoner says "I did not want her to do any work. I merely wanted her to answer the callers." She said the wireless was on, and that there was no one in the house when he took her there. She said all up the stairs to the very top landing straw was littered from one end to the other of the place. When she was cross-examined it appeared it was not littered quite in the sense one would think at first, but there was some straw pretty well all the way up the stairs. Dr. Ruxton said that his boy played with straw on the stairs, which may or may not account for it. "The carpets were all pulled up from the stairs. There were no carpets on the landing. The doctor showed me how to use the geyser. I thought the bath was in a very dirty condition. I went into Mary's room first and then into the bathroom. The bath was a very dirty yellow up to six inches from the top. It

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was all over the bath, but there was a permanent stain where the water dripped either from the geyser or the tap. I have never seen a bath in such a dirty condition before. He asked me to give it a good clean, a good scrubbing out with Vim. I could not get all the stains off. I got some off. I swept up all the stairs. They were very dirty owing to the fact the carpets had been pulled up. Two bedroom doors were locked. In the waiting-room there were carpets and stair pads rolled up, a blue suit on the top of them. In the yard there were two landing carpets and stair carpets." It is said by the prisoner that some carpets had been taken up by Mary Rogerson the day before. If she had taken them up, can you think of any reason why she should have put them in the yard? With regard to those carpets in the yard, she said they were stained. Some time that morning the prisoner sustained an injury to his hand in one way or another. Can you think from what you have seen in this case that either the abortion of 1932, wherever it happened, or the cut hand on 15th of September of 1935 can account for the blood? Even if it can, what about the bath? Do you believe the evidence of Mrs. Hampshire with regard to that bath, the bath which we are told had been kept clean before? If Mrs. Hampshire's evidence be right, it was a very dirty yellow up to six inches from the top.

I do not know what inference one is to draw from that fact. Perhaps not so much from that fact alone, but if it be the fact that down the front of the bath there are blood-stains as well, as though something had run over the bevelled edge, what inference can you draw? Mrs. Hampshire said that she was able to go into some rooms, but two doors were locked. In one of the rooms a table was laid for two, and you have heard what the food was. At seven o'clock or thereabouts, Mr. Hampshire came and washed the stairs from top to bottom, and he emptied the buckets down the lavatory in the bathroom or the sink in the kitchen. He and his wife said "The prisoner told us before he left that evening some time"—probably on his return visit at seven o'clock or thereabouts when he came to get the children's clothing with the children—"we could have the carpets in the waiting-room and the blue suit and the stair pads." Amongst the carpets were the stair pads. I confess I attach the greatest of importance to them in this case. If you will look at the blood on that one I am holding nearest to you now, can you conceive that that is the result of a dripping hand? You see the kind of stair pad it is; in good order otherwise. Could it have got into that condition, and have remained in that condition, at the time of the abortion, the premature birth, in 1932? It was underneath the stair carpet proper if it was in the house then. The expert who gave evidence formed the view that the blood on the stair pads was fairly recent. It is impossible to get real evidence

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of the age of blood, but that was his impression from the manner in which it became a solution or part of a solution. What happened in the house one can only imagine, but if one examines these stair carpets can one think that blood is consistent with the evidence given by Dr. Ruxton? We do not know, we have not heard, so far as I remember, how many stair pads there were in the house. We have five which form Exhibit 40 in this case. It is for you to say whether the condition of those stair pads is an important matter in a case which at least does not lack detail.

Mrs. Oxley went to the house on the Monday morning, and when I come to deal with the movements on these particular days the times at which she arrived are important. She said she went at the usual time, about 7.10, and could not get in. She saw the postman put the letters in, whereas as a rule the letters were received by hand. At a quarter past nine she said the doctor came up in his car; he was unshaven, and had no collar and tie on. She said the carpets were up on the stairs all the way and the electric light was on. Mrs. Hampshire said she put the light out the night before and she gave you a reason for remembering it. She may be wrong. If you have any doubt about that, give the prisoner the benefit of it. She referred to burned material in the yard, I think it was largely paper of which she spoke, but one witness or more spoke of material, which stuck together rather, having been burned in the yard at some time.

There is evidence of fires in the yard and there is evidence of burned material in the yard. There is the admission of the prisoner himself that on the Sunday morning he had bought two tins of petrol to take to the house. There is no reason why he should not do this on the Sunday as much as on any other day. He was not going to use the petrol for the purpose of his motor car; he bought that and put it in his motor car direct. Two tins were to go into the house for burning. One would not have thought even in a doctor's establishment such a great deal would be needed in the ordinary way, but you have the evidence about the burned material generally. Mrs. Oxley told you the doctor's bedroom was locked and the drawing-room and dining-room were locked, and you had evidence from one or other of the women that it was unusual the doors should be locked all the time. If they were locked, the keys were always obtainable either from a peg or from a little box kept somewhere for those people who wanted them. It was said the doors were locked to prevent the children running in, but the keys were obtainable. On this occasion the doctor's room was locked and, according to a good many of the witnesses, the doctor's bedroom door remained locked at least until the Thursday. The doctor, Mrs. Oxley said, gave her two carpets on the Wednesday. She told you that the table

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was laid for two, and she said there were no dirty cups and saucers to be washed up. She said the bath had been used regularly, and it had not been discoloured when she had been at the house before. She spoke to the blood-stained curtains, and they were referred to by other witnesses. These curtains were on a window up the stairs somewhere, and the important thing is what was done with them; and if those witnesses are speaking the truth the doctor tore the blood-stained portion off and gave them the rest for use as dusters. How did they become blood-stained? Maybe from his hand. If it was so, would he have torn the portions off and used them as dusters? One has heard of an old shirt being cut up or torn up for use as dusters. This shirt is said by the doctor to have been burned because he got some blood on his hand and there were two little holes made by the double collar. I suppose the suggestion is that it was a blue shirt, it may have been that which the dustman speaks of, a blue coat with glass buttons on, or part of one which had been burned. Mrs. Oxley spoke of the burned material in the yard. The dustman, Rutledge, who was the first one to go into the yard, said he saw some burned material near the dustbin. "I noticed," he said, "part of a blue dress, more of a silk with glass buttons." You were shown in the course of this case that light blue beret which is an exhibit, and you were told that Mary Rogerson had a coat like that. That has not been discovered among her belongings. Mrs. Rogerson said it was her better coat. Mr. Birkett asks why it should be burned; what connexion can it have with this case? Members of the jury, I do not know, but material is burned in that yard. Is it a fair inference that certain things are burned in order to destroy all traces of their existence? Is it a fair inference that that is the reason for the buying of the petrol? Mr. Gardiner, the man in charge of the dust cart, said there was some burned material; it was in a heap about a foot high and about 18 inches round: it was wet and slimy and partly burned: it was about four yards from the bin towards the back of the house. Mrs. Smith saw fires in the yard on the Tuesday, Wednesday, and Thursday. "Dr. Ruxton was there, and Mrs. Curwen and I helped to keep them going." If it is said that any clothing of Mrs. Ruxton's has not been produced in this Court, what has happened to it? Mrs. Smith said, too, she was to do some stripping of the wallpaper, but the doctor told her not to bother with the top landing, and that he could do that in his spare time. You would have thought a man with that hand, unless he can use his left hand as well as his right, would have been well away from doing that sort of work for a while, particularly if he had the knowledge a doctor has, but it is a feature of this case in so far as the evidence goes that the man who has injured his hand takes to stripping on the same Sunday morning,



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or takes to getting up a carpet on the Sunday morning, and is prepared to do the stripping of the landing himself. In the yard at the same time it is said there was a bowl with a blanket in it underneath the recess where the tap is. One witness said she did something to it. It was said to be heavily stained with blood. One witness said she rung it out, or did something to it, and the stains did not come out altogether. What became of that blanket?

Those are the details in a case which has occupied your time many days. I should be failing in my duty if I did not ask you to consider them, and to consider when you put together the facts that these two women are missing and unheard of after 14th September, and put to it the state of the house, the cancellation of Mrs. Oxley, the summoning of Mrs. Hampshire and the state of some of those articles you have seen. Suspicion is not enough, you have been told and truly told, and if the case stopped there you might not be wholly satisfied without knowing more. You might indeed be suspicious.

Before I go to other aspects of the case, I wish to remind you of the evidence with regard to the movements of the prisoner. I am not going through all this because you heard read "My Movements,"\* part of his statement† which covers the dates up to the Thursday at least, and you heard his evidence. On the Sunday, the first evidence you had in time is that of Mr. and Mrs. Oxley. At half-past six, according to them, later according to the prisoner, he put her off from going to the house. You may wonder why! I have referred to some parts of their evidence already. They are both quite satisfied it was half-past six and they give you the reason.

Winifred Roberts at nine o'clock takes the newspaper—about nine o'clock—and about a quarter past ten the boy Partridge takes the *Sunday Graphic*. Mrs. Hindson delivers the milk at about ten o'clock, and Mr. Waites tells you the car was out at ten o'clock in the morning. Another gentleman supplied two tins of petrol some time during the morning. Mr. Longton, I think, speaks as to the Monday, but I am not sure. The same morning, the Sunday morning, the prisoner took the children to Mrs. Anderson's about half-past eleven. She says his hand was then bandaged, so we may assume his hand was hurt before half-past eleven. It was not hurt when his wife, according to him, left the house at half-past nine because it is after that he says he was looking for something for breakfast and got the tin of peaches and hurt his hand with the tin opener, which he says he threw away. He hurt his hand in a way which Dr. Shannon says seems at least very unlikely from his description of the way it was done. So, too, it may strike one as a little unlikely that the tin of peaches should be cast away

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\* See Appendix XII.

† See Appendix XIII.

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because he could not open it. If it had not been cast away, it would have been in the house, assuming it was not used. According to him, the injury to his hand is done some time between half-past nine and eleven when he goes out of the house. In the morning he leaves the children with Mrs. Anderson. He goes back to his house and for some hours again it seems he is in his house alone. I suppose the prosecution would say that, if he had not finished the operation of disarticulation or removal of flesh from the bodies, then he had some more hours in the house alone, and that he went at half-past six to Mrs. Oxley to stop her coming at that time because the work to which he had set his hand was not finished. But he went to Mrs. Hampshire at four o'clock and again apparently back to the Andersons, and it is right to say that when he returned with Mrs. Anderson and the children he went up to the children's bedroom and two of them went up with him. You and I do not know all that had happened in the house, and except for the fact that the stair carpets were up, and it is said by him some of them had been taken up by Mary Rogerson, there is no reason why the children should not go up to that bedroom, the bedroom in which they had been sleeping. We do not know they went into any other room. Then they are taken back to Mrs. Anderson's and they stay there on the Sunday and Monday nights. They are back at their own house on the Tuesday night, and on the Wednesday night they stay again with Mrs. Anderson. Mrs. Hampshire was in the house from four o'clock onwards and Mr. Hampshire from about seven o'clock onwards, and they both left about half-past nine, having done the work in the house. According to Mrs. Anderson, some time after half-past nine, perhaps ten o'clock, the prisoner left her house again and he is back alone in the house because the Hampshires had gone. He goes back to the house, and a light is found on the next morning. Of what he does that night you and I only have his account. He had during the course of the Sunday night, if it be true he killed his wife and Mary Rogerson, a number of hours before half-past nine in the morning in which he could have done something to the bodies, and he had more hours the same afternoon when he was alone in the house before going to Mrs. Hampshire's. Assuming he was alone in the house, what he did between perhaps ten o'clock on the Sunday night and the Monday morning we only have his statement to go upon, but according to the evidence on the Monday, to which I now come, Mrs. Oxley arrived at her usual time about 7 a.m. and could not get into the house. The postman came about half-past seven, and he did not get an answer. He put the letters in the box and they were afterwards taken out by Mrs. Oxley and given to Dr. Ruxton. Mrs. Oxley told you she remembered that morning because she got very wet waiting outside the house. "Not a bit," says the prisoner, "I was in at ten past seven." Do you think she has forgotten or is

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wrong? About nine o'clock the prisoner called on Mrs. Hampshire and it was on this occasion she remarked " Good God, doctor, how ill you look." His first question to her, she said, was about the blue suit. He wanted it back, and ultimately had the tab cut out. She said he was then without collar and tie, and was unshaven.

Mrs. Oxley had been away for a period and she came back to the house at a quarter-past nine, and she was still there when the doctor drove up in his car. " All her evidence is quite untrue," says the doctor, but it does fit in with Mrs. Hampshire's. At a quarter-past nine the prisoner admitted Mrs. Oxley into the house, and she says the electric light was on. She says he had not shaved and had no collar and tie on. She referred to a sort of coat he was wearing, and said the doctor's bedroom door was locked and there was a table laid for two. The same morning he left the house fairly soon and called at Mrs. Anderson's, some time during the morning for a short time, and at twelve o'clock he left the Hillman Minx car at the County Garage at Morecambe to be looked at, and it was decided it should be decarbonized. He borrowed from another garage an Austin car. Now, it is said in the prisoner's favour that the Hillman car was delivered from the garage at which it is normally kept to his house on the Monday morning. That is what he says and he said to you many a time when he was in the witness-box " I can prove it. I have a bill for it." It is a point for the defence which must not be overlooked. Longton, the witness who was called before you, is apparently said, by some notes, to have been the man who delivered it, thus authorizing the charge of 3d. or 6d. or whatever it is. Longton says " I did not deliver it that day." I should have liked to have looked further into the records. I do not know whether a charge put down on the Monday meant of necessity that the car was delivered on the Monday and not on the Sunday or the Saturday. You have this in his favour that the Hillman was clean on the Monday. When it had been cleaned last I cannot tell you. We are told it had been to Blackpool on the Saturday with Mrs. Ruxton, but whether it had been cleaned or not we do not know. However, put both those matters in the scale in favour of the prisoner, and it is right, too, you should remember that during the days which followed he obviously had a bad right hand—not bad enough to stop him driving a motor car quite clearly because he drove, on his own story, many miles, and he was attending to his practice or to some part of his practice at the same time, and he was apparently able to do the pulling up of the stair carpets.

On Monday at noon Mrs. Oxley left and did not see the prisoner again that day. Mrs. Curwen was not there. Mrs. Smith called, but did no work that day. On the Monday night the prisoner called on Mrs. Anderson again and asked her to keep the children another night, which she did; so that again, so far as we know, he

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Tuesday but Thursday, when some lady in the waiting-room, becoming anxious, looked at the clock, and said "It is a quarter-past three by that clock," before the doctor is back. It would not have taken him from a quarter-past seven until a quarter-past three to get back from Blackburn, but he says he attended some patients, which might account for it. But what he had done that morning we do not know, unless we accept his story as true. You will give every consideration to it, but you might ask yourselves why was it that on that day, for the first time, the doors were open? The children on that day were taken back from Mrs Anderson's by the maid and they got there just after two o'clock. The maid said she took them on the 125 bus, and they called at a sweet shop. She did not see the doctor when she got there.

Sometimes when there are matters to be investigated, it is of importance to consider the attitude and the acts and the words of the person who is ultimately accused of the crime. I referred to the prisoner's movements somewhat generally; the feature of the case to which I would now draw your attention is this; there has been given in this Court some evidence which would seem to point to the building up, or the attempting to build up, of a false case in answer. One of the documents in the case is that which has been described as "My Movements"; it is the document handed to the Chief Constable of Lancaster by the prisoner on the night that he made the statement, which was the day before his arrest. He was arrested at the end of a long interview, and charged. Apparently, the prisoner had thought it wise to set out in form his movements from 14th September until Monday, 30th September. When I say that this is the document handed to the Chief Constable, I bear in mind that the document was handed back to the prisoner, as produced in this Court by him; there was a copy, of course, in the possession of the Chief Constable. The document begins: "Saturday, 14th September. Children's party in the evening. Mary with children. Mrs. Jackson came to take her children home. She saw Mary in the hall. Mrs. Ruxton had left for Blackpool at about 6 p.m." I had better read it all so as to see how he puts it.

Sunday, 15th September. Mrs R suggested going for a day's trip. I agreed. Asked me to get up and go for the car. Further said I should ask Mrs. Oxley not to bother coming. I went to the garage took the car out and went to Mrs Oxley. It was a little after seven I began to start getting ready slowly. Isabel and Mary were both upstairs when I was in the bathroom. Isabel suggested if I minded her going to Edinburgh that day instead of the day after. I said "Jokingly" Are you sure you know what to do. All right please yourself. But you will have to go without my car. She said "I am taking Mary with me." I felt rather glad at that because I said to myself if she goes with Mary, she is sure to come back, because Mrs. R had been hinting that some day she will go away for good. It was

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about half-past nine when they left. She shouted "There is a cup of tea on the hall table for you."

I came out of the bathroom and went to the childrens room. A little while after I went down-stairs to the living room and fetched a tin of peaches. Brought it up to the bedroom and in attempting to open it gashed my right-hand fingers Detailed account of this already with the police At about 11.0 a.m. that morning Mrs. Whiteside came for son's operation. 10.0 a.m. the milk woman had been. At noon—took children to Andersons, came home because of my hand At 4 p.m. went to Mrs. Hampshire. Asked her to come take charge of the house. I went to Andersons Came home late night. I had given key of house to Mrs. H. She had the run of the house.

That is his detailed account of his movements as he remembered them then; whether, of course, he is an innocent man or not. He may well be round about the times, and I should not attach a great deal of importance to that. There is no reference to the call of the woman Mrs. Roberts, for instance: he may not have remembered that. But let me direct your attention to this account: "You will have to go without my car. . . . I am taking Mary with me. . . . It was about half-past nine when they left. She shouted 'There is a cup of tea on the hall table for you.' " When I was dealing with that part of the case, I asked you earlier if you could conceive a mother and nursemaid parting from the children like that and going away for a holiday without making any arrangements for them. As far as you and I have heard, Mrs. Ruxton went to Edinburgh: she went to her sister, Mrs. Nelson, or possibly to the other sister. Where were they, Mrs. Nelson and Mrs. Madden, the two sisters?—at Blackpool. But the part of this statement of this day's account to which I think it right to direct your attention lies in the last sentence of all: it is dealing with Mrs. Hampshire:

I had given key of house to Mrs. H. She had the run of the house.

You see, like the other statement, this is made before evidence is given at the Police Court. I do not suppose the man in the dock knew whether or not Mrs. Hampshire had been upstairs or had tried any doors. You have heard her evidence. Had Mrs. Hampshire the run of the house? Mrs. Hampshire told you that on the Sunday when she asked him why he had sent for her, he said "I sent for you because you give me courage," and on a later occasion when he went to ask her about the suit he said to her "Would I stand by him. He had not a friend in the place." And she said "I will do all I can." Is that a witness who is saying anything that is untrue about him? Mrs. Oxley, one of the women who used to help in the house, told you that on Saturday, 12th October, a short time before his arrest, "He came and spoke to me, and he said, 'Oh, Mrs. Oxley, about that

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Sunday morning, tell them I came at seven o'clock to tell you not to come, and then I came again at nine, and asked you to come down till eleven.' I said 'I could not say that; it was not the truth.' " If there is no foundation in the case put forward on behalf of the Crown, can you understand how a man before he is charged, before he is arrested, could go to someone like Mrs. Oxley—if it be true that he did—and say a thing like that? When she was re-examined by Mr. Jackson, she said "On the day before his arrest he asked me to say an untruth, and I told him it was untrue." Ernest Hall was asked if he had been to the house on Saturday night and seen Mary Rogerson about half-past ten. But why should he be asked if he was prepared to go into any Court to say something which was untrue? Again there is the incident of his going to the police station and saying "Look at my hand." More important perhaps is the evidence of Dorothy Neild. On 12th October, that is again just before his arrest, she said "He asked me if I could say he had been every day since his wife went away, and I said 'Yes, I think so.' He said 'Are you sure?' I said 'Yes.' About half an hour afterwards he came to the house again, and he asked me if I could say he had been on Thursday, the 19th, the day following the carnival procession, and I said 'Yes, I think I could.' He then left the house." "I realize now," she said, "I was wrong." But if it be the fact that both Mrs. Anderson and Dorothy Neild say he was not there on the Thursday, how comes it that this man before his arrest is asking Dorothy Neild to say he was? It may be, you know, that he was doing something of importance in this case on the Thursday morning. I do not know; but if a man is seeking to get people to say things which are not the fact, a jury perhaps may in turn look a little doubtful on his evidence, while giving him every possible advantage.

You have heard a good deal in this case about a young man of the name of Edmondson, and you saw him in the witness-box. When the case was opened, it was suggested to you that jealousy of Edmondson might have been the cause of this crime. I have told you already it is not necessary that any motive should be proved; but I was interested, I confess, to see that young man in the witness-box. You and I sitting on a matter of this sort are not here to judge a question of morals. We are not asked to either in this case. The young man Edmondson was asked in one of the first questions put to him by learned counsel for the prosecution, was there at any time any intimacy between him and Mrs. Ruxton, who of course was some ten years older than him, if I remember the ages correctly. His answer was "Most certainly there has never been the slightest intimacy between me and Mrs. Ruxton, and the prisoner has never suggested anything of the kind." That is his answer, and he was not asked one question to suggest to

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the contrary. I judge from the evidence that he had been friendly with Mrs. Ruxton. You had a good deal of evidence before you that the prisoner at one time or another suggested there was more than friendship. We are not concerned with that as an issue in this case. But I hope it may be some satisfaction to that young man at least that in this Court no sort of attack has been made upon him, whatever someone may have said at some other time. When the prisoner gave his own evidence he was asked about it, and, though he was pressed and maybe harassed by his emotions at the time, to his credit be it said, he said "I don't know that anything wrong had taken place"; but he said "If they thought about it, it is just as bad is it not?" But to Mrs. Nelson certain remarks about the young man were made, and also to Police-Constable Wilson, to Mrs Hampshire, and maybe to others. When young Edmondson had gone up to Scotland the week before, taking his father in his car, his mother and sister being in Mrs. Ruxton's car, it seems to be the fact that the prisoner suspected there must be something wrong, and followed. He apparently got some idea into his head about it, and as to what had happened there, and as to how they had slept. When Mr. Birkett, in the course of his address to you yesterday, said "His mental processes are now known to you," I wondered if that was right. Because if it be the fact that he had gone to the Adelphi Hotel in Edinburgh, and had seen how the names were, and had seen that Edmondson senior was there, and that Mrs. Edmondson was there and a sister there, it is a little difficult to see if he had the ordinary mental processes he could go and tell somebody that Dr. and Mrs. Ruxton, or Mr. and Mrs Ruxton, appeared in the book. I leave the Edmondson part of the case, telling you this, that, so far as I see, it has nothing to do with this case, apart from the fact that it may have been made a reason for jealousy on his part.

Now, members of the jury, I want to come to the bodies. The first thing that ought to be borne in mind is that there were two women missing from 2 Dalton Square, Lancaster, at the time when these remains were found in Scotland. The first part of the remains was found on 29th September. Thereafter you remember that the view was held for about ten days that they were the remains of a man and woman. On 8th October, or thereabouts, the prisoner asked one of the daily helpers to put out Mrs. Ruxton's and Mary Rogerson's clothing. She did so on their respective beds. A portmanteau was packed of the better clothes of Mrs. Ruxton, and the other clothes of Mrs. Ruxton are distributed by the prisoner between Mrs. Oxley, Mrs. Curwen, and Mrs. Smith. You saw and heard from them what they each got. Do you believe that any husband who thought his wife was alive would do that with her clothes? Again, do you believe he would have done it

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with her clothes if he thought there was any danger of identity? When I say "of identity," I mean of the bodies at Moffat being identified as the bodies of his wife and Mary Rogerson. This was the 8th or 9th of October and I put a question to Professor Glaister, "When did the view change definitely from man and woman to two women"? I think he told us about the 10th or 11th—certainly after the 8th. Mrs. Oxley took to the prisoner the papers or letters one morning, or took him the tea when he had a newspaper, the *Daily Express*, and he read it and said "Ah, those bodies they have found at Moffat are a man and woman. You see they are not our pair." Then she said he laughed heartily. Was it after that that he decided to distribute the clothing, which was not perhaps of great value, likewise doing a good turn to those charwomen, who might be useful? The bodies were seen by Professor Glaister, and one or other of those associated with him, on 1st October at Moffat. They were thereafter removed, and no question is raised in this case that those portions which were ultimately put together, and which were photographed, are remains which were found either in Gardenholme Linn or within some eight or ten miles, the hand and the foot. When I say in Gardenholme Linn, I mean down the stream there, or round the corner into the River Annan. The last portion was found on 4th November: that was the hand and arm, which you were told in the course of the evidence showed further signs of putrefaction than those parts found earlier, but which fitted, if the evidence be right. They had been put together as far as possible by Professor Brash, and you heard from him how he fitted one piece on to another, and how he ultimately got the height of the bodies. You have had a distinguished body of evidence from Professor Glaister, Professor Brash, Professor Sydney Smith, and others, and you will not think that in any way I am prejudging the matter when I say this, that in my experience in this place, which is but short, and in my experience at the Bar too, never have I seen expert witnesses more careful and more eager not to strain a point against an accused person. No one could sit in this Court and listen to the evidence of Professor Glaister, either in examination-in-chief or in cross-examination, without feeling that there is a man who is not only master of his profession, but who is scrupulously fair, and most anxious that his opinion, however strongly he may hold it, shall not be put unduly against the person on his trial. and the same applies to the others. Again, I should like to say that I find it difficult to imagine greater care and greater skill being used than was used by those distinguished Professors of Edinburgh and Glasgow Universities in the putting together of these pieces, in their examination, and in arriving at their conclusions. You will remember that some days ago an application was made by Mr. Birkett that those advising him should have another opportunity of seeing the remains. He said they had had one, or more than



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one, already, but they would like to have another look. And I suppose we all realized, apart from that, that Mr. Birkett had helpers in this matter, because, great as his knowledge is, some of the matters on which he cross-examined must be based on information which he got from somebody skilled in other fields, because however distinguished and however skilled counsel is, he cannot know everything. Of course, the remains were at the disposal of anybody that it was desired should inspect them on behalf of the accused person, with the help, I doubt not, of everyone of those who had reported to the prosecution. When this case develops, no evidence is called of the kind to which I refer on behalf of the defence. They have had their further opportunity. They have heard the answers of the witnesses giving evidence for the Crown, in the course of cross-examination by Mr. Birkett. Is it a fair assumption that they cannot take the case further? They do not give evidence, and the evidence of Professor Glaister and Professor Brash and the others remains, apart from the cross-examination, undisputed. There is no evidence to contradict it, except by the prisoner himself so far as that could be said to do so. That I think is important in this case, and it is important if you think of it from a general and a public point of view. Great masters of their profession are called in to give evidence in a case of this kind, and they beyond all things are careful, and it is important to note that other members of their profession do not disagree, or are not able to, or are not called to give evidence that they do disagree. No doubt you wondered at one time in this case what was coming about the cyclops eye; a most unusual thing to find; a most extraordinary find, said Mr. Birkett. Has it anything to do with this case now? If it had, would there not have been a reference to it in Mr. Birkett's speech yesterday? Can you imagine from what you have seen of that distinguished advocate that he would omit anything that would help his client? There might have been a long search by the police and everyone down that ravine, and I dare say for miles around there. Every bit of thing I suppose that would look like flesh is picked up, and among those remains of 43 pieces of flesh or tissue is a cyclops eye, which is examined by Dr. Glaister who says "I do not know much about such things really," and by Professor Brash, and I think by others as well. I think I am right in saying on behalf of Professor Glaister and Professor Brash that they have no doubt it is animal; and if you have a monstrosity born to some pig, or whatever it may be, on some farm is there anything very extraordinary in it being found? All I ask you is, has it anything to do with this case? If it has, give weight to it; but do not let flimsy possibilities take your minds off the evidence.

The bodies were examined and they were found to be the bodies of two females. Those who examined them arrived at the

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height. One was about 4 ft. 11 ins. or 4 ft. 11½ ins.; not much removed from the height of Mary Rogerson. The other was about 5 ft. 4 ins. or 5 ft. 5 ins.; not much removed from the height of Mrs. Ruxton. The age of one of these bodies is said to be 18 to 25: at least under 25. The other, you had varying ideas, 25 to 35 to 50, and later one of the distinguished gentlemen came down to 35 to 45. I think Mrs. Ruxton was just under 34. They cannot be accurate on things of that sort, but they are not far wrong. You have heard about the colour of Mrs. Ruxton's hair and Mary Rogerson's hair, both brown, one lighter than the other, and the vaccination marks on Mary Rogerson's arm. Again, this is but a detail, and millions of people may have them. There was some question as to the birth marks on Mary Rogerson's arm. I am not sure that the evidence of the taking off of the flesh of that arm is wholly conclusive of itself, but you will bear it in mind. With regard to the left big toe of Body No 2, you had the evidence of the particular shoemaker, and he told you about Mrs. Ruxton's bunion. What an extraordinary thing it is in a case where almost every means of identifying the person has gone, to find the place where that bunion would be like that, and find signs of malformation. You know, whoever it was that dealt with those bodies, did it in a most extraordinary way. You have this disarticulation everywhere, except where the tips of the fingers of Body No. 2 are gone; and some witness told you those were cut right through, as though with a pair of surgical forceps of some kind. The finger tips, lips, eyes, ears, and parts of that kind, may have relevance towards showing a possible cause of death, and likewise go towards showing identity. These bodies had not only been disarticulated completely, but almost every sign which would enable the one or other to be recognized had gone. You may ask yourselves, how long would it take—it was a question that I put to Professor Glaister. Supposing that Mrs. Ruxton was alive at half-past eleven o'clock at night on Saturday at Blackpool, and assuming that she reached Lancaster at half-past twelve, I wondered if it was possible for the prisoner to have done what he is said to have done by 9.30 the next morning, and I wondered, too, and I dare say you did, when he said he had damaged his hand. That is why I was anxious to find out from him when he had hurt his hand, and the nearest that we got was somewhere after half-past nine; because that was the time he said his wife and the other woman went out. It was then that he went for some breakfast, and found the tin of peaches, as he said. If that be so, then between half-past twelve at night—assuming Mrs. Ruxton was killed first, if the case for the prosecution is right at all—between half-past twelve at night and half-past nine the next morning, there are nine hours. Professor Glaister said that he and others had considered how long it would take to reduce Body No. 2 to the state in which it was found. It was much more stripped of

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flesh than Body No. 1. He said five hours; he put that as a minimum. He was cross-examined as to what materials would be necessary to do that in the way of knives, and whether it could have been done with a dull knife. When the prisoner was cross-examined, it turned out there was what is called a slip-on knife, which had different blades to use. I was a little puzzled, too, when told that each of the bodies must have been drained of blood within a few hours of death, and I was not quite sure what the few hours meant. But the evidence of Professor Glaister was that in cases of asphyxia the blood remains fluid longer, perhaps up to 12 hours, so that there was time for the disarticulation of the bodies on Saturday night and Sunday morning. There was time. I say no more than that. There was again, during the daytime, a considerable time which might have been spent—I do not say it was spent—in removing the flesh and removing signs of identity, even if the bodies had already been disarticulated: and when you bear in mind the state of the bath, you may well wonder for what purpose it had been used. Everything, so far as one can gather, corresponds with the two missing women. There is no evidence to the contrary. I remind you of the evidence of Professor Glaister that there was no ring mark on the finger of the girl. Of course, we are now at a date which is six months after the disappearance. You will remember that in considering whether the parts might have altered—as the medical evidence would appear to suggest at one point. You will also consider that period of six months; one wonders whether it is normally possible that those two women are still alive, and have never communicated with anybody after all this time. Professor Glaister was asked about the Body No. 2, and he stated that much more flesh was taken from Body No. 2 than from Body No. 1. He was asked by Mr. Birkett, "Supposing the draining of the blood was done before dismemberment, would that rid the body of the major portion of its blood?" He answered "To a very great extent." He was asked "Do you subscribe to the view that blood in the body always remains fluid after death?" He answered "Only within limits. In certain cases, such as asphyxial death, there is a greater interval of time during which fluidity of the blood may remain."

In the course of his remarks yesterday Mr. Birkett, in dealing with Mr. Jackson's address to you, said: "My friend said that if you were satisfied that those remains in the ravine at Moffat were proved to be the remains of Mrs. Ruxton and Miss Rogerson your task was wellnigh completed"; and he proceeded to question that, and said that if they went away that morning from 2 Dalton Square—as the prisoner said—why should he be accused of their murder merely because they were dead? Now you may think that both Mr. Jackson and Mr. Birkett are right to some extent; but I put this forward as a consideration for you, if they did go away,

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as he says, from Dalton Square, can you conceive who else might have murdered them? They cannot have been cut up very well in that ravine. They had been treated, again one imagines from the evidence, by a person of some anatomical skill. Again, members of the jury, if those two women were murdered by somebody of whom we have not heard, can you see the reason for the removal of signs of identity or possible means of identification? Does the condition in which they are found point, or does it not point, to disarticulation by somebody of skill in such matters, and to a desire, and a complete desire, to remove, not only signs which would give the cause of death but also to remove signs of identity? It was most difficult to find whether they were both women; but two parts were found, one from each body, which made it certain. Again—although it is not for the prisoner to show that he is innocent, it is for the prosecution to show that he is guilty—can you conceive the circumstances in which somebody else should have thought fit to murder both, and to put parts of the body of one into a parcel containing parts of the other? That is, assuming you are satisfied that that was the position. You have had evidence from a police-sergeant, that in one parcel was found a human trunk and two legs with feet complete. The body which is said to resemble the body of Mrs Ruxton, Body No. 2, has a trunk portion to it, it has only one foot—the other has not been found. The body which is Body No. 1, and which is said to resemble in every respect the body of Mary Rogerson, has two feet, as reconstructed. There was one matter with which Professor Glaister dealt at some length in cross-examination, and that was the injury to the head. Professor Glaister said that he could not tell how the part of the Y-shaped injury to the head of Skull No. 1 had been done. There was a bruise there, and also bruises on the face and bruises on the arm of the body said to correspond with that of Mary Rogerson. I do not know whether they were done before or after Mrs. Ruxton's injury or death, if she is dead: but that injury on the head he said might have been an attempt to remove the sign of the wound on the head. Two bones had been fractured on the skull. He could not tell how she died or what was the cause of death. It may have been asphyxia or it may have been something else. Whoever it was that did that injury to the head, his hand may have slipped, and a head is a very bad thing to keep steady. I wonder how that injury to the hand was caused. Professor Brash, who gave evidence before you, was the one who was responsible for the superimposed photographs. They were used by the prosecution. I asked Mr. Jackson to indicate those which he thought important, and he desired to put them all forward. They were used with considerable force by Mr. Birkett to say: "You see, the furthest they can go is to say these may be the heads." Apparently, looking at these photographs alone, Professor Brash will not go one inch further. He said you

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do get an amazing lot of details which correspond, but nobody could say more than that on those photographs alone. When you get other evidence, which to my mind, at least, is much stronger evidence than those photographs can provide and much less liable to error than photographs may be, it is a little more, is it not, than "it may be": it is evidence for the jury along with the other facts in the case on which they are entitled to act, if they are satisfied. Professor Brash, too, told you he had made casts of one foot of each of the bodies, and you saw his demonstration. If it be the fact that two women disappeared from 2 Dalton Square on 14th September or 15th September last, is it just a coincidence that each of these two women had a foot which appeared to correspond so perfectly with the foot found in or near the ravine a fortnight later, or thereabouts? Of course, the argument put forward on behalf of the prisoner in reply to that is "They are stock sizes are they not?—Yes." You will consider it. You might have something of that sort happening, and you might be satisfied that it is no more than a coincidence. If it stood alone, indeed you might hesitate a long time; but as one step down towards the verdict, does it or does it not close another avenue, if I may borrow an expression from Mr. Birkett; and if it does, is there after all an avenue left? If there is one, as the prisoner's learned counsel says, let him walk down it to freedom. If there is not, he cannot.

You had before you a number of things from the house. Professor Glaister gave evidence with regard to various articles, and in favour of the prisoner it has to be borne in mind that they are not taken haphazard. Professor Glaister, having been to the house in Dalton Square, picks the things that he wants to be sent to him to examine—the stair rail, various pieces of wood here and there. Mr. Birkett elicited from the witness that some of them really had little importance, and the blood on them might be caused through the hand bleeding. Others, the witness thought, were not capable of that interpretation. It was said yesterday that some of them were so unimportant that you need not attach much importance to them. I am inclined to agree; but one must bear in mind that board in front of the bath. Of this Professor Glaister said: "A very different matter, it had run down and probably there had been some dilution. I would suggest the amount of blood above must have been very different from what it is to-day. It has been worn off, and if it is diluted at the top and has run down, there must have been a great deal of blood on the top." He added: "You would not get blood clots, which were found in the joints. I should be amazed if I cut myself shaving and found the blood I did on the seat." He had been dealing with the piece of wood in front of the seat opposite the bath. Then he was asked about the linoleum in the cupboard. Mr. Birkett asked: "Suppose a blooded towel or

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a handkerchief had been thrown into the cupboard, could that?" Professor Glaister found that easy to answer, he not? "Then," said Mr. Birkett, "if by chance a placenta after-birth, had been put into the cupboard, might that not have done it?" Why should a placenta be put there? Nobody suggested that. If by chance there was a body in the bathroom which had not been drained of blood, or had only been partially drained of blood, and blood had collected on the floor from a leg or arm or head or anything else, and had run that way, is it not something which might have caused that? Then the bath: I have dealt with the inside of the bath. It was cleaned long before it was seen by any expert. I am going to read my note on Professor Glaister's answer to Mr. Birkett, in cross-examination. "A man bathing with a blooded hand would not cause them, in my view. Blood had run down in several places in stream form, from near the top of the slab. Six streaks were especially prominent. It must have been either the blood running over the bath or material held on the edge of the bath and blood running from it." I said to you some time ago, if the case rested without the finding of the bodies, what would you think of it? If you are satisfied that there must have been some operation of some sort by way of draining something in that bathroom or in that house, to what conclusion are you forced?

The stair carpets you have seen many times in this case. "A little blood on one," I think Mr. Birkett said of Exhibit No. 37, the one on which some witness said she had thrown 20 or 30 buckets of water which came off like blood. A number of stained patches were pointed out on it, if I remember rightly, by Professor Glaister.

Though Mr. Birkett is quite entitled to say that if the two bodies are identified as the bodies of Mrs. Ruxton and of Mary Rogerson it does not end the matter; is not Mr. Jackson equally right in suggesting that you are a long way along the road; and if you find this condition of things in the house in which those two women had been alive on the night of 14th September, are you not almost forced towards an adverse view of the prisoner's case, however much you would wish to avoid it?

I remind you of the evidence of the debris from the drains—not as important as other matters. The witness who dealt with it said it is quite possible you do get something like this in a doctor's house and by itself it would not count for much, but if it is in the drain, including the one from the bath, and you have that sort of tissue on the plug of the bath, well, then, it is just a small element in the case, but one to which perhaps too much importance ought not to be attached.

But there was one carpet, Exhibit No. 42, on which Dr. Gilbert Millar gave evidence, after Professor Glaister. He said on that carpet, when he examined it, a small portion of debris was found,

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sisted of fatty tissue with a few red blood cells, about of a sixpence. I want Exhibits 35 and 36, the coat and Mrs. [Handed exhibits.] Members of the jury, I think you these articles during the case. When the prisoner was in the witness-box he said, "Would I be such a fool as to give away my coat and trousers and my waistcoat if I had committed a murder? Why did I not burn them as well as the other things?" If Mrs. and Mr. Hampshire be right in saying that they were given these on the Sunday, and if they had got new blood upon them, would it show so completely as it does now? I asked the witness a question about it myself, but he told you that he had worn these clothes quite often for operations of one sort and another, and that blood had got on in the ordinary way. Can you conceive any operation which the doctor had done which would leave blood like that on the trousers, and when you look at this coat and you see the marks on it that we are told are blood-stains, would they be so apparent? If he thought to get rid of his suit, it is difficult to conceive that he would have given it to anyone if the waistcoat was quite so bad as we are told; but apparently it was found by Mrs. Hampshire to be so bad that she burned it—she could not do anything with it. On the coat and trousers, I think Professor Glaister said there were about 28 stained areas. The evidence is not only evidence that his suit was blood-stained, but that, though he had given it to Mrs. Hampshire on the Sunday, he went back at nine o'clock on the Monday morning, without collar or tie, to ask what had been done with it, and to say to Mrs. Hampshire: "Oh, I do not want you to have that coat; it is not very nice for a man to be wearing somebody else's suit when other people know about it," and she said "I will get it cleaned, doctor; you have given it to me." He said "Well, let me look at the tab," and then asked her to cut out his name from the pocket. If that is true, to what does it point—guilt or innocence? And on other occasions right up to 12th October, he goes round and asks about the suit. "What have you done with it—or the carpets?" Members of the jury, I am bound to say to you I think the evidence with regard to that suit to be of the greatest importance, and if it be true, it should receive the greatest of weight. Mrs. Hampshire said that when she was given the suit by him on the Sunday afternoon it was on the top of the carpets. He said "You can have it cleaned, but I was wearing it when I cut my hand." He said it was blood-stained, and he put his hands on the lapels of the coat he was wearing at the time. He did not say the blood had come from that. That was what Mr. Hampshire told us and he was there at seven o'clock that night. Mrs. Hampshire was not quite so sure whether he had said that or whether she got the impression that it came from there, but he did say he was

# Charge to the Jury.

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wearing it when he had cut his hand. The prisoner dis, and his learned counsel, knowing that dispute was comi, rightly cross-examined Mrs. Hampshire upon that subject she said "I am sure he told me the blue suit was the one he on in the morning when he cut his hand. He did say that. I will read you her next answer: "I am very sorry, but I do not think I have made a mistake on this." He said he was wearing that suit when he cut his hand. What was he doing when he cut his hand? Where did that blood come from? Do you think it is conceivable that it is from his hand, the blood on that suit, as well as the other blood you have heard of?

Now, members of the jury, you have had certain other evidence in this case about which I ought to say a word, namely, the finger-print evidence. The officer who produced them told you how many points are thought generally by him or by others to point to a conclusive result. He said eight were often taken as enough, but he liked more. You saw in the three instances to which reference was made how many there were from a plate, a decanter and something else, a table. There you had indicated to you the different points. When you look back at that for yourselves, with that officer in the box, have you any doubt that, in so far as these things can tell the ordinary one of us anything, they were amazingly alike? If you find, in the three you looked at, 10 or 15 points picked out like that—and in one instance the officer said there were more that he had not marked—if you find points of similarity on Body No. 1, which is said to be Mary Rogetson's body as reconstructed, and the mark on the table or the decanter or plate at 2 Dalton Square, does it help you? If there could be doubt, does that resolve it beyond any possibility of doubt? It is not for me to express an opinion on the value of evidence, but I cannot help thinking that some of you may think that these finger-print impressions, from the point of view of establishing identity, may be more helpful than super-imposed photographs.

You remember the conversation of the prisoner with Mrs. Oxley about the ravine murder and as to the distribution of the clothing; and you remember, too, the evidence of the witness Hudson, who said that when he discussed this, or one of these matters, the prisoner said that he was tickled to death by it: I imagine that that must have been before it was discovered that it was two women, or while there may have been some sort of suspicion, and towards the end of his time of liberty when he was seeking to make inquiries and setting out a list of "My Movements."

I have described to you only in outline the bodies in so far as the evidence enables me to do so, but there was something with some portions of those bodies—with which portions we do not know completely because of the putting together that took place at the mortuary. May I have the rompers, the blouse and



# Buck Ruxton.

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*Sunday Graphic?* [Handed exhibits.] Mr. Birkett, in the course of his address, disputed the accuracy of Mr. Jackson in saying, "If you find the remains in the ravine at Moffat proved to be the remains of Mrs. Ruxton and Mary Rogerson your task is wellnigh completed." There is a great deal to be said for what Mr. Birkett said, looking at that alone, but if you are satisfied as to the identity of those remains and if you are satisfied that those rompers were on one of the heads, does it not establish the case for the prosecution, as case was seldom established before, on circumstantial evidence? They may have taken these things with them, said Mr. Birkett. Of course they may have taken some things with them if they went. Mary Rogerson might have taken the blouse with her. Her step-mother had not seen her wearing it as far as I know, but she might have done. What about those rompers? [Holding up rompers.] Is there an answer? You may have in many a case doubts of all kinds conjured up in your minds. Is there the slightest doubt about those rompers? You heard the evidence with regard to them. You heard how that knot was made. If Mrs. Ruxton and Mary Rogerson went away without the children, could they take these rompers? For what earthly purpose can you imagine they should take them? The identity of the blouse, too, and the patch under the arm put in by Mrs. Rogerson—are they not established?

Again, members of the jury, there is the most amazing coincidence. These bodies or parts of bodies are mostly wrapped in newspapers bearing dates in August, newspapers of the kind that went into the Rogersons' house, and you heard how Mary Rogerson used to take some back to light the surgery fire. Though some of the newspapers were old newspapers like that, among these remains somewhere in the ravine there is a portion which is contained in a part of the *Sunday Graphic* of 15th September, 1935, issue 1067. That 1067 enables somebody from the newspaper office to say this is part of a limited edition which goes to Lancaster and Morecambe and that neighbourhood. A witness was called before you who delivered a *Sunday Graphic* at the house 2 Dalton Square on the morning of 15th September. Is that the one, or is it another coincidence? Other parts of the bodies had tied around them certain pieces of sheeting, or in some instances the sheeting was wrapped round along with newspaper, and you heard Mr. Barwick, the expert from the Testing House of the Chamber of Commerce. At a late stage in his evidence some questions were asked about the selvedge, and you did get this feature which he thought was unusual. I do not understand sheets and sheeting, but in one side there were 26 stitches and in the other 23. That occurred in the selvedge of the portion found in the ravine and then you had as against that the evidence that on Mrs. Ruxton's bed there was only one sheet and that one sheet

# Charge to the Jury.

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had the very same fault, a fault which, if my evidence is correct, could occur or would occur on one loom but while the same warp was on that loom thing be clearer? What an amazing coincidence, that Mrs. Ruxton's bed only had one sheet on, and the say so, that that sheet should have that same fault.

Members of the jury, I have finished. I have been a time, but I dare say you do not grudge me the time. You told a heavy responsibility is thrust upon you, that the fate of this man is in your hands. It is a heavy responsibility, no one can deny that, but it is really no heavier than the responsibility which falls upon every jury. It is most important, as Mr. Birkett said to you, that no innocent man should suffer—most important. It is equally important that the principles of justice as administered in this country should be carried out and that juries shall not shrink from doing their duty when a case is proved. If it is proved, you will say so. Let me end as I began by saying, if there be any doubt in it, he must have the benefit of that doubt. If there be none, let your verdict be equally clear and let justice be carried out. Will you consider your verdict?

[The jury retired at 3.58 and returned into Court at 5.2.]

## Verdict.

THE CLERK OF ASSIZE—Members of the jury, are you all agreed upon your verdict?

THE FOREMAN OF THE JURY—Yes.

THE CLERK OF ASSIZE—Do you find Buck Ruxton guilty of murder, or not guilty?

THE FOREMAN OF THE JURY—Guilty.

THE CLERK OF ASSIZE—You find Buck Ruxton guilty of murder, and that is the verdict of you all?

THE FOREMAN OF THE JURY—Yes.

THE CLERK OF ASSIZE—Buck Ruxton, you have been convicted of murder upon the verdict of the jury. Have you anything to say why sentence of death should not be passed according to law?

THE PRISONER—Subject to the point that I be allowed to appeal—in the administration of justice. I submit that to your lordship and the jury. I want to thank everybody for the patience and fairness of my trial. I have never attempted to pass any special restrictions. I should like to hear whatever his lordship has to say about it.

## Sentence.

MR. JUSTICE SINGLETON—Buck Ruxton, you have been convicted on evidence which can leave no doubt upon the mind of anyone.

# Buck Ruxton.

Singleton

Gr (but one sentence for the terrible crime which you  
his a. The sentence of the Court upon you is that you  
r. " If you place to a lawful prison and thence to a place of  
the remd that you be there hanged by the neck until you  
wellnig, and that your body be afterwards buried within the  
what Mts of the prison in which you shall have been last confined  
satisfes your execution; and may the Lord have mercy upon your  
thai.

th' THE CHAPLAIN—Amen.

Mr. JUSTICE SINGLETON—Mr. Jackson, I would like to express my appreciation of the way in which this case was prepared by the various police officers, English and Scottish. I wish also to express my admiration of the manner in which the experts from the Universities of Edinburgh and Glasgow conducted their examinations and gave their evidence. I am grateful for it.

Mr. JACKSON—On behalf of both, I thank your lordship.

Mr. JUSTICE SINGLETON—There is one other matter I would like to ask about. Why was this case committed to Manchester instead of Lancaster?

Mr. JACKSON—At the request of the defence, I understand, my lord.

Mr. JUSTICE SINGLETON—Very well. I cannot help thinking that in such a case it would have been better that it should have been committed to Lancaster, and if the defence desired it to be elsewhere, to leave application to be made to the learned judge who would have taken crime there. It is a Lancaster case, and the bringing of it here throws very heavy duties upon jurors in another part of the country. The case was committed for trial, I think I am right in saying, about the 13th December?

Mr. JACKSON—Yes, my lord.

Mr. JUSTICE SINGLETON—It was more than a month before the Lancaster Assizes began.

Mr. JACKSON—Yes, my lord.

Mr. JUSTICE SINGLETON—Members of the jury, I desire to say how much I appreciate the care and attention which you have given to this case. It has been a very heavy duty which has been cast upon you, and in being taken away from your homes and deprived of your comforts, you have been serving the interests of justice. Beyond the time which you have spent on the case, you have been faced with the most dreadful and gruesome details, such as few jurors have had to encounter, and I think it is only right that I should recommend that you are not again called upon as jurors, if that is your desire. Will you be so good as to make sure before you leave these premises that your names are entered?

# Appendix I.

## APPENDIX I.

### LIST OF EXHIBITS PRODUCED.

#### Number and Description of Exhibit

1. Plan of house
2. Plan of road.
3. Book of photographs
4. Model of house.
5. *Daily Herald* dated 31/8/35.
6. *Daily Herald* dated 2/9/35
7. Lady's blouse
8. Piece of pillow slip (which contained two arm bones, two thigh bones, two lower leg bones and nine pieces of flesh).
9. Cotton sheet 30"×20" (which contained 17 pieces of flesh).
- 10 Piece of cotton cloth (which contained trunk and legs with feet).
11. Piece of hem (tied round feet of Exhibit 10).
12. Cotton wool (with Exhibit 10)
13. Piece of *Sunday Graphic and News* dated 15/9/35, serial No 1067.
14. *Daily Herald*.
15. *Sunday Chronicle*.
16. *Daily Herald* dated 7/9/35.
17. *Daily Herald* dated 5/8/35.
18. Cotton sheet (which contained pelvis and several pieces of flesh).
19. Child's woollen knickers
20. Piece of cotton wool.
21. Piece of *Daily Herald* dated 6/8/35.
22. Piece of *Sunday Chronicle* dated 8/9/35
23. Hem of cotton sheet.
24. Pieces of straw.
25. Piece of cotton sheet.
26. Piece of twine.
27. Piece of cotton wool (found wrapped round head)
28. *Sunday Graphic and News*.
29. Two petrol tins.
- 30 One brown handbag.
- 31 One letter dated 6/10/35.
- 32 Envelope addressed to Mrs. Nelson dated 6/10/35
33. One letter dated 8/10/35.
34. One envelope addressed to Mrs. Nelson dated 8/10/35
35. One coat (jacket).
36. One pair of trousers.
37. One piece of carpet.
38. One piece of patterned bordered carpet.
39. One plain bordered carpet.
40. Five stair pads.
41. One piece of stair carpet.
42. One square of carpet.
43. One light blue costume
44. One brown check tweed skirt.
45. One Harris tweed coat.
46. One pair of white canvas shoes.
47. One pair of blue and white skin shoes with shoe trees.
48. One pair of silver evening shoes.
49. One pair of brown shoes
50. One white silk blouse.
51. One white silk nightdress
52. One navy blue coatee and skirt.
53. One green silk coatee
54. Two pairs of fawn silk stockings
- 55 One marocain blouse.
56. One pink brassiere
57. One brown two-piece tweed costume.
- 58 One navy blue dress with jacket to match.
59. One white silk jumper.
60. One blue cloth beret.
61. One pair of green and white canvas shoes.
- 62 One pair of white canvas and blue leather shoes.

# Buck Ruxton.

63. One pair of black leather shoes.
64. One pair of brown suede shoes
65. One pair of white kid shoes.
66. One flowered silk nightdress.
67. One blue princess skirt.
68. One blue blouse.
69. One red dress.
70. One brown two-piece costume.
71. Two red cloth belts.
72. One stockinette white blouse.
73. One pair of brown suede shoes.
74. One white silk blouse.
75. One white silk blouse.
76. One reddish brown two-piece costume.
77. One pair of silk corsets.
78. One blue beret.
79. One green beret.
80. One white nightdress.
81. One blue coat.
82. One pair of canvas shoes.
83. One pair brown leather shoes.
84. One pair of black leather shoes.
85. One brown coat with fur collar.
86. One brown leather coat.
87. One tin opener (broken).
88. One new tin opener.
89. Length of stair carpet.
90. Two pieces of carpet.
91. Brass syringe.
92. Brown suit case, containing—
93. two evening dresses,
94. green frock,
95. trinket box,
96. evening purse, containing powder box and glass,
97. two pairs of bathing shoes,
98. two flowered bags,
99. necklet of skunk fur,
100. seven dress belts,
101. silk brassiere,
102. nightdress and coatee,
103. three evening coatees,
104. four underskirts,
105. two dressing-gowns,
106. six woollen jumpers,
107. boudoir cap,
108. white fur cape,
109. tartan outfit,
110. flowered kimono in case,
111. pair of flowered pyjamas,
112. green dressing-jacket,
113. black princess set,
114. green sash,
115. white silk underskirt,
116. three bathing costumes,
117. two nightdresses
118. Axe.
119. Tin opener.
120. Pair of brown shoes
121. Photograph of Mary Rogerson.
122. Photograph of Mary Rogerson
123. Revolver.
124. Diary dated 1928.
125. „ 1929.
126. „ 1930
127. „ 1931
128. „ 1932.
129. „ 1933.
130. „ 1934.
131. Envelope addressed to Mrs. Ruxton.
132. Bedsheet.
133. HO/RT/1 form, Road Traffic Act, 1930.
134. Camera.  
Book of photos—
135. (Book No. 1 of Body No. 1).
136. (Book No. 2 of Body No. 1).
137. (Book No 3 of Body No. 1).
138. (Book No. 4 of Body No. 1).
139. (Book No. 1 of Body No. 2).
140. (Book No. 2 of Body No. 2).
141. (Book No. 3 of Body No. 2).
142. (Book No. 4 of Body No. 2).
143. (Book of miscellaneous parts )
144. Stair rod holders in 3 envelopes.
145. Banister rails.
146. Bathroom door.
147. Side of seat in bathroom.
148. Top of seat
149. Piece of linoleum from bathroom floor.
150. Bath stop and chain.

# Appendix I.

151. Woodwork side panel on left of wash basin.
152. Framework around cupboard door under wash basin.
153. Door of cupboard under wash basin.
154. Bathroom cupboard door.
155. Front portion of linoleum of cupboard floor.
156. Back portion of linoleum of cupboard floor.
157. Floor of cupboard.
158. Skirting board at back of bath.
159. Bath and fittings.
160. Slab on side of bath.
161. Woodwork at back of water-closet.
162. Wood between bath and water-closet.
163. Packet containing a stair rod eye.
164. Chamber pot.
165. Underneath piece of linoleum in bathroom.
166. Packet containing solid matter from foot and side of bath.
167. Debris from drain (30b).
168. Second sample of debris from drain (31).
169. Debris from drain (34).
170. Debris from waste pipe of bath.
171. Positive print of Mrs. Ruxton
172. Enlarged photograph of Mrs. Ruxton.
173. Small photograph of Mrs. Ruxton.
174. Enlarged photograph of Mrs. Ruxton.
175. Enlarged photograph of Mary Rogerson.
176. Enlarged photograph of Mary Rogerson.
177. Photographs of Body No. 1 and Body No. 2 assembled together.
178. Tiara.
179. Book of tracings and photographs of Mrs. Ruxton.
180. Book of tracings and photographs of Mary Rogerson.
181. Finger-prints and palm-prints of Buck Ruxton.
182. Prints of the left hand of Body No. 1.
183. Palmar print of left hand of Body No. 1.
184. Part of dining-table top
185. Bottle labelled No. 1.
186. Bottle labelled No. 4.
187. Bottle labelled No. 2.
188. Vinegar bottle.
189. Plate labelled No. 5.
190. Vegetable dish.
191. Plate No. 1.
192. Decanter.
193. Plate No. 2.
194. Plate No. 3.
195. Plate No. 6.
196. Bournville tin.
197. Book of finger-prints.
198. Hotel register.
199. Silk dress.
200. Description of Mrs Ruxton, as given to D.-C. Winstanley
201. Profile photograph of Mrs. Ruxton.
202. Debris from trap near steps.
203. Debris from trap of outer back door.
204. Solid matter from 2nd trap at back door.
205. Sofa arm.
206. Authority to use photograph.
207. Copy of Document headed "My Movements."
208. Statement made by Dr. Ruxton.
209. Charge form—Murder of Mary Rogerson.
210. Record of delivery of Hillman Minx.
211. Document headed "My Movements."
212. Cast of left foot of Body No. 1.
213. Cast of left foot of Body No. 2.

# Buck Ruxton.

## APPENDIX II.

### LIST OF PHOTOGRAPHS OF REMAINS FOUND AT GARDENHOLME LINN, MOFFAT.

#### **Exhibit 135. Body No. 1. Book No. 1.**

1. Head—front view
2. Head—left profile
3. Head—right profile.
4. Head—view of scalp.
5. Head—view from back.
6. Head—site of decapitation.

#### **Exhibit 136. Body No. 1. Book No. 2.**

7. Right upper arm—outer side.
8. Right upper arm—inner side
9. Right upper arm—front surface.
10. Right upper arm—back surface.
11. Right upper arm—showing disarticulation at elbow.
12. Right upper arm—showing disarticulation at shoulder.
13. Left upper arm—front and outer aspect.
14. Left upper arm—back surface.
15. Left upper arm—outer surface showing vaccination marks.
16. Left upper arm—outer surface showing vaccination marks.
17. Left upper arm—front surface.
18. Left upper arm—showing disarticulation through shoulder joint.
19. Left upper arm—showing disarticulation through elbow joint.
20. Left forearm and hand—front surface.
21. Left forearm and hand—back surface.
22. Left forearm and hand—outer side.
23. Left forearm and hand—inner side.
24. Left forearm—showing disarticulation at elbow.
25. Back of fingers of left hand.

#### **Exhibit 137. Body No. 1. Book No. 3.**

26. Right thigh—front surface with kneecap in position.
27. Right thigh—back surface.
28. Right lower leg and foot—outer surface.
29. Right lower leg and foot—inner surface.
30. Right lower leg and foot—front surface.
31. Right lower leg and foot—back surface.
32. Sole of right foot.
33. Sight of disarticulation through right knee joint.
34. Left thigh—back surface.
35. Left thigh—inner surface.
36. Left thigh—front surface.
37. Left thigh—outer surface.
38. Left thigh showing disarticulation through hip joint.
39. Left thigh disarticulation
40. Left leg and foot—front surface
41. Left leg and foot—back surface.
42. Left leg and foot—inner surface.
43. Left leg and foot—outer surface.
44. Left foot—sole.
45. Site of disarticulation through left knee joint

#### **Exhibit 138. Body No. 1. Book No. 4.**

46. Right forearm and hand—front surface showing area of skin removed.
47. Right forearm and hand—back surface.
48. Right forearm and hand—inner surface.
49. Right forearm and hand—outer surface.
50. Right forearm and hand—from below showing fingers.

## Appendix II.

51. Right forearm and hand—showing site of disarticulation at elbow.

### Exhibit 139. Body No. 2. Book No. 1.

1. Head—front view.
2. Head—left profile.
3. Head—right profile.
4. Head—from above
5. Head—back view.
6. Head—from below, showing site of decapitation.

### Exhibit 140. Body No. 2. Book No. 2.

7. Chest—view from above downwards, site of decapitation, breast bone removed.
8. Chest—breast bone in position, available organs are visible.
9. Chest—view from below, breast bone and organs in position.
10. Chest—view from above, front of chest.
11. Chest—view from right side.
12. Chest—left side showing wounds in chest, outer surface
13. Chest—wounds in interior surface, left side of chest.
14. Back.
15. Pelvis—front view.
16. Pelvis—back view.
17. Pelvis—view from above showing site of severance of spinal column.
18. Pelvis—view from below.

### Exhibit 141. Body No. 2. Book No. 3.

19. Right humerus.
20. Right forearm and hand—front, showing site of disarticulation through elbow joint and removal of portions of fingers.
21. Right forearm and hand—back, showing site of disarticulation through elbow joint, removal of portions of fingers, and wound dividing hand between middle and ring fingers.
22. Right forearm and hand—little finger side.

23. Right forearm and hand—thumb side

24. Right hand—showing site of amputation of portions of fingers.

25. Right forearm—showing site of disarticulation through elbow joint.

26. Left humerus—with tags of tissue attached

27. Left forearm and hand—showing disarticulation through elbow joint, removal of portions of fingers together with perforating wound on wrist near base of little finger.

28. Left forearm and hand—thumb side.

29. Left forearm and hand—back surface.

30. Left forearm and hand—little finger side.

31. Left hand—showing site of amputation of portions of fingers

32. Left forearm—showing site of disarticulation through elbow joint

33. Right femur—showing tags of adherent tissue, viewed from front.

34. Left femur—showing portions of adherent tissue, viewed from back.

35. Portion of tissue—under surface showing fat and muscle with right kneecap at one end. From front of thigh.

36. Portion of tissue with right kneecap attached—upper surface showing skin, some down present. From front of thigh.

37. Portion of tissue with left kneecap attached—under surface showing fat and muscle. Front part and side of leg.

38. Portion of tissue with left kneecap attached—upper surface showing skin. Front part and side of leg.

39. Right lower leg—front surface showing disarticulation through knee and ankle joints and adherent bone of foot (astragalus).



# Buck Ruxton.

40. Right lower leg — back surface showing disarticulation through knee and ankle joints.
41. Left lower leg — back surface showing disarticulation through knee and ankle joints.
42. Left lower leg — front surface, showing disarticulation through knee and ankle joints.
11. Two breasts from same body, back view
12. Portion of breast tissue. Front surface showing skin, scanty down present
13. Portion of breast tissue. Under surface showing fat and muscle.

## Exhibit 142. Body No. 2. Book No. 4.

43. Left foot—inner view showing site of disarticulation of ankle joint.
44. Left foot—outer view, showing site of disarticulation at ankle joint.
45. Left foot—upper surface, showing site of disarticulation at ankle joint.
46. Left foot—under surface.
47. Left foot—front view, showing mutilation of toes.
48. Left foot—back view.
14. Tongue of body No. 1. Upper surface showing imprints of teeth.
15. Tongue of body No. 1. Under surface showing imprints of teeth.
16. Tongue of body No. 2. Upper surface showing imprints of teeth.
17. Tongue of body No. 2. Upper surface showing where the tip has been cut off.
18. Body No. 2. Larynx seen from the front.
19. Body No. 1. Larynx seen from the front
20. Body No. 2. Larynx seen from behind.

## Exhibit 143. Miscellaneous Parts including Viscera.

1. Heart of body No. 2.
2. Heart of body No. 2.
3. Brains from body No. 1.
4. Mons veneris, lettered A, seen from back.
5. Mons veneris, lettered B, seen from back.
6. Mons veneris, lettered A, seen from the front.
7. Mons veneris, lettered B, seen from the front
8. Uterus.
9. Uterus, showing cervix.
10. Two breasts from same body.
21. Body No 1. Larynx seen from behind.
22. Body No. 2. Larynx, right lateral view.
23. Body No. 1. Larynx, right lateral view.
24. Body No. 2. Larynx, left lateral view.
25. Body No. 1. Larynx, left lateral view.
26. Photomicrograph of skull, showing fracture, outer table. Skull of body No. 1  $\times$  2.
27. Photomicrograph of skull, showing fracture, inner table. Skull of body No. 1  $\times$  2.

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## APPENDIX III.

### REPORT ON THE MEDICAL EXAMINATION OF THE REMAINS FOUND AT GARDENHOLME LINN AND VICINITY.\*

Professor John Glaister, Dr. William Gilbert Millar, and Dr. Frank William Martin say—

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\* Report (slightly abridged) supplied and edited by the courtesy of Professor Glaister. For further extended information see *Glaister and Brash: "Medico-legal Aspects of the Ruxton Case."* Livingstone, 1937

## Appendix III.

Acting on instructions received from the Crown Authorities, we, the undersigned, proceeded to Moffat on 1st October, 1935, and there visited Gardenholme Linn, where we were informed human remains had been found previously. Thereafter we proceeded to make an examination of these remains within the Mortuary situated at Moffat Cemetery. Only a superficial examination was then possible and we instructed that the remains should be transferred to the Department of Anatomy, The University, Edinburgh. From 2nd October until the date of this report, a detailed examination of the various parts has been in progress. The total number of parts available for examination amounted to 68 and the following is our report upon them

Examination revealed that two bodies had been mutilated. We have been afforded an opportunity for examining the reconstruction of these bodies, undertaken by Professor Brash within the Department of Anatomy, Edinburgh University, and have checked the distribution of the parts assigned to each of these bodies.

### BODY No. 1. FEMALE. [See Diagram, p. 368.]

#### *Head.*

The right side of the skull has been denuded of tissue over a large area, from the region of the crown of the head to the upper level of the lower jaw below, there being only a small portion of neck tissue on that side remaining. Most of the tissue forming the right ear has also been removed, together with the skin of the face, eyes, nose, lips, and skin of the forehead. The skin of the left side of the head still remains and shows multiple wounding. The left ear has been entirely removed. On the skin, just in front of the side of the left ear, is a small tuft of fair hair. Over the crown of the head and slightly to the left of the middle line there is a Y-shaped wound with irregular or lacerated edges, the left limb of which is straight and measures 1", while the right-hand limb juts out from the first at an angle of 62° and itself measures  $\frac{3}{8}$ ". Just behind this there is an area measuring  $2\frac{1}{2}$ " and tapering to  $1\frac{3}{8}$ ", which gives indication of the superficial portion of the skin having been sliced across obliquely.

The scalp available shows the presence of brown hair which has been cut in an irregular fashion and varies in length from scalp level to  $3\frac{1}{2}$ ". Some areas of skin on the front of the head on the left side are suggestive of the hair having been shaved.

#### *Site of Decapitation*

The head has been severed from the spinal column between the fourth and fifth cervical vertebræ, which enter into the neck portion of the spinal column. The wound passes backward on a level with the floor of the mouth and on the right side of the neck is  $2\frac{3}{4}$ " below the opening of the right ear and on the left side  $2\frac{3}{4}$ " below the opening of the left ear. The skin is present from in front of the windpipe to the lower margin of the chin. On the left side of the lower jaw over the lower margin

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and near to the centre line is a small but deep-seated bruise. All the wounds referred to are more or less cleanly cut. After the soft parts had been removed on the left side of the face, a small area of bruising, measuring 1" in diameter  $\times$   $\frac{1}{4}$ " in depth, was disclosed in the substance of the muscle below the left eye.

## *Mouth.*

The position of the tongue is slightly protruding between the margins of the teeth and several impressions are present on the upper and under surfaces at its front and side margins. It is swollen and shows moulding by the palate. Some teeth seem to have been recently removed, but we understand that the details concerning them will be embodied in a dental report.\* The lining membrane of the mouth does not show any abnormality, but the lining membrane of the lips together with the lips themselves have been removed.

## *Skull*

After the soft parts had been stripped from the bone, a small slightly depressed fracture was detected in the middle line at the highest point of the crown. This fracture showed a well-defined front edge while the back and side edges were less defined. It increased in depth from behind forwards and measured  $\frac{5}{8}$ "  $\times$   $\frac{3}{4}$ ". It should be noted that this fracture lies below the lacerated wound of the scalp already described. A second fracture was also detected at a point to the left of the middle line and slightly behind the first fracture. It takes the form of a small slight depression of the outer shell of bone of skull to the extent of  $\frac{1}{4}$ "  $\times$   $\frac{1}{4}$ ". On removal of the skull cap the inner surface of the bone was examined generally and particularly in the regions of these two fractures. There was no evidence of the second, but the first was represented as an H-shaped fracture in the middle line, the whole fracture covering an area of  $\frac{3}{8}$ "  $\times$   $\frac{3}{8}$ ". The base of the skull was also carefully examined, but there was no evidence of fracture.

## *Brain.*

On examination of the brain the superficial vessels showed appreciable congestion more especially on the under surface of the front portion of the brain. The external examination failed to reveal any evidence suggestive of injury. Dissection also failed to reveal the presence of bleeding into the brain or other abnormality although the brain tissue showed some congestion.

## *Dissection of the Neck.*

The under surface of the chin failed to disclose any evidence of bruising or other injury. The uppermost four bones of the spinal column were found to be attached to the head. The upper air passage was severed at a point between the windpipe and the larynx—the cricoid cartilage

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\* See Appendix X.

## Appendix III.

The larynx is practically flush with the tip of the chin and the soft tissues of the under surface of the chin. The lining membrane of the epiglottis shows a wrinkled condition. The hyoid bone does not show any evidence of injury. The whole of the larynx is of exceptionally small size. The tonsils show a craggy appearance and they project into the throat to a slight but definite extent.

### *Right Upper Arm.*

The arm has been disarticulated at the shoulder joint by an oblique incision through the skin and muscle. The lower end has been disarticulated at the elbow joint cleanly. The tissues have been severed by a sharp cutting instrument. There is a shallow stab wound  $\frac{1}{2}$ " long  $\times$   $\frac{1}{4}$ " in breadth, situated near the middle of the back surface of the arm. Slightly above and to the right of this wound, there is an area of discoloration of the skin suggestive of bruising which measures  $\frac{1}{2}$ " in diameter and affects the superficial tissue only. When cut into, free blood was found to be present. Over the joint surface of the upper end of the bone there are numerous superficial cuts. These are also present on the joint surface of the lower end.

### *Left Upper Arm*

This limb has also been disarticulated at the shoulder joint above and the elbow joint below. Above, the soft tissues have been severed obliquely and irregularly. The tissues around the elbow joint have been severed obliquely downwards and backwards, the muscle protruding on the front surface for a short distance beyond the skin while at the back the muscle and skin are more or less flush with each other. On the back surface near the middle of the limb is a dark bluish-coloured figure-8-shaped area suggestive of bruising. It measures 3" in length  $\times$   $2\frac{1}{4}$ " at its maximum breadth and is fairly deep. When cut into, free blood was found present. On the outer aspect of the uppermost portion of the limb there are four vaccination marks—

- (1) to the upper and outer side; measuring  $\frac{1}{2}$ " in diameter,
- (2) to the upper and inner side; rectangular in shape,  $1" \times \frac{1}{2}"$ ,
- (3) to the lower and outer side; circular in contour measuring  $\frac{1}{2}$ " in diameter,
- (4) to the lower and inner side; roughly circular in contour measuring  $\frac{5}{8}"$  in diameter.

Nos. (1) and (2) are close together.

### *Left Forearm and Hand*

The limb has been disarticulated at the elbow and a portion of skin and under tissue is adherent to the olecranon process. The site of incision is oblique from above forwards and downwards. The skin and muscles have been irregularly divided. The finger nails are fairly clean and rather short, but show no evidence of professional manicuring.

### *Right Forearm and Hand.*

The forearm has been disarticulated at the elbow joint and articulates

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accurately with the lower end of the right upper arm. Most of the skin and soft tissues are absent from the upper third of the forearm while in the lower two-thirds the skin is absent from the front and thumb side of the back. The edges of the skin are finely crenated probably by the action of maggots. The front of the wrist is devoid of skin and the tendons are exposed. The back of the wrist is well covered with skin. Practically the whole of the palmar surface of the hand is devoid of skin except for a few small tags, the largest of which measures  $\frac{3}{4}$ " at its greatest breadth and represents the strip extending from the base of the little finger side of the hand to the base of the index finger. This strip has become detached and hinges at a point  $\frac{1}{2}$ " below the base of the third finger. The first phalanx of the thumb is completely devoid of soft tissue. The palm surface of the index and middle fingers is also devoid of soft parts for a distance of  $1\frac{1}{2}$ " and  $1\frac{1}{4}$ " respectively. The back surface of all fingers is intact except for small punctures probably due to maggots. The terminal half of the distal phalanx of the middle finger has been severed by fracture. All the nails have been shed but were contained in the wrappings.

## *Right Thigh.*

The right thigh is represented by the thigh bone sparsely covered with muscle and other tissue. The lower portion of the bone has adherent to it a portion of skin and under tissue which contains the knee cap. This skin portion is roughly triangular in shape and measures  $5\frac{3}{4}$ "  $\times$  4". Disarticulation has been effected cleanly at both the hip and the knee joints. There are numerous superficial cuts on the joint surface of the lower end of the thigh bone and similar cuts affecting the same surface of the head of the bone.

## *Right Lower Leg and Foot.*

The limb has been disarticulated through the knee joint cleanly except for superficial damage to the cartilage at the head of the bone. The line of incision is more or less regular and level with the exception of a portion at the back which is 2" below the upper surface of the head of the bone.

## *Left Thigh.*

The thigh has been disarticulated at the hip and at the knee joints. The tissues have been severed some distance below the level of the head of the thigh bone. The skin has been more or less cleanly divided although the muscles have been severed irregularly. The lower incision passes obliquely forwards and downwards. The surface at the lower end of the bone shows one small superficial cut.

## *Left Lower Leg and Foot.*

The leg has been disarticulated at the knee joint. The line of incision shows a definite irregularity and is suggestive of spiral formation over depth of  $2\frac{1}{2}$ " in front. The back part of the incision is of curving an

## Appendix III.

oblique character from above inwards and downwards, reaching its lowest portion at a point  $2\frac{1}{2}$ " below the upper surface of the main bone of the lower leg on its inner surface. The muscles have been irregularly severed. Disarticulation has been cleanly effected and the articular surface of the bone did not show evidence of injury.

### *Blood Vessels.*

A number of blood vessels were dissected out and examined internally. In all instances they were found to be empty and there was no appreciable blood staining

BODY No. 2. FEMALE [See Diagram, p. 369]

### *Head.*

All the skin has been removed from the head including the face with the exception of a few tags at various points. A small portion of scalp remains over the lower part of the right side. A second portion is present just behind the left-ear opening and is of small size. A third portion is present over the rim of the front of the lower jaw near the middle line and measures  $2\frac{1}{4}$ ". It is devoid of visible hairs. Both eyes have been removed and also the ears and nose.

### *Mouth.*

The lining of the mouth does not show any abnormality, but the lining membrane of the lips together with the lips themselves have been removed. The tongue is swollen and large and the front of the tongue protrudes beyond the teeth margin to the extent of  $\frac{1}{4}$ ", but a portion of the front of the tongue has been removed over a distance of  $1\frac{1}{2}$ " and the wound extends to the tissues of the floor of the mouth. The contour of the palate is imprinted on the upper surface of the tongue. On the under surface of the tongue there is a definite indentation on the left side, while on the upper surface of the tongue the side and front margins show several indentations. The details concerning these impressions will be dealt with in a dental report.

### *Site of Decapitation.*

The head has been removed from the trunk between the fifth and sixth cervical vertebræ—the bones composing the uppermost portion of the spinal column—by disarticulation. The disarticulation has been cleanly effected except for a slight shaving from a portion of the surface of the fifth cervical vertebra. The soft tissues have been cleanly cut through at this level. The entire skin has been removed at a point  $1\frac{1}{2}$ " below the level of the floor of the mouth. The larynx has been severed from the rest of the windpipe just below the cricoid cartilage. Remaining soft tissues of the neck, when dissected, failed to reveal any evidence suggestive of the application of violence. The larynx is of average size for an adult female. The lining membrane of the epiglottis is not swollen, but at one part is somewhat puckered and wrinkled. The hyoid bone was dissected out and carefully examined when it was found that the right horn showed a patch of bone formation between

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it and the body of the bone, but, despite this, it was much more loosely attached to the body than the left horn which was firm but did not show bony changes. This condition is the result of fracture. The upper two-thirds of the back border of the thyroid cartilage showed some evidence of bone-commencing formation.

## *Skull.*

After all tissue had been removed from the bone, the skull was carefully examined when it was found to be of good structure and that the sutures are almost closed and united. No evidence of fracture was found at any part of the skull.

## *Brain.*

The brain was found to be in a very soft and putrefied state, but the superficial vessels showed evidence of appreciable congestion.

## *Thorax together with both Clavicles and Scapulae.*

The thorax has been severed by disarticulation from the head above; and from the pelvis below at a point between the second and third lumbar vertebrae and all soft parts in this region have been cut square across, the lower boundaries being the level of the twelfth ribs. The tissues of the neck above the level of the top of the breast bone have been cut through and removed at a level of  $1\frac{1}{2}$ " below the spinal-column severance. The only area of the specimen which is covered with skin measures 16" in height  $\times$  9 $\frac{1}{2}$ " in breadth. The maximum point is immediately to the left of the armpit with a minimum of 4" along the right shoulder. This skin covers approximately the right half of the shoulder, back, and side. A smaller portion of skin is present over the top of the left shoulder, is irregular in outline, and measures 4"  $\times$  4"  $\times$  4".

## *Left Shoulder Blade.*

The shoulder blade has been almost severed from the trunk and is only connected to it by means of vessels, nerves, and a small joint—the acromioclavicular joint. The shoulder blade is covered by muscle which has been irregularly severed at the margins of the collar bone. The bone itself is fractured through the upper third of the glenoid cavity, the part that enters into the shoulder joint. The fracture runs through the articular surface, irregularly for a distance of 2 $\frac{3}{4}$ " to a point  $1\frac{1}{4}$ " from its inner border and at a level  $1\frac{1}{8}$ " from the highermost point of the uppermost border. At a point  $1\frac{3}{4}$ " from the inner border a further fracture extends vertically downwards for a distance of  $1\frac{1}{2}$ ". This extends into the base of the spine of the bone for  $\frac{3}{8}$ ". Over the first 1" of the first fracture there is separation of the fragments to the extent of  $\frac{1}{8}$ ". In addition, there is a transverse fracture of the acromion process completely severing the terminal 1" which is attached only by periosteum. No evidence of loss of bone.

## *Right Shoulder Blade.*

This is in position.

The right chest muscle (pectoral muscle) is in greater part in position

## Appendix III.

over the outer front of the chest and the remainder of the right upper part of the chest wall shows copious fat. The lower part of the right chest wall has been denuded of muscle and other tissues since these have been reflected and form part of the large skin flap already described. The remainder of the chest walls have been more or less denuded of their tissue.

### *Diaphragm.*

Both leaves of the diaphragm have been extensively and irregularly cut through.

### *Organs of Chest*

The following organs are present within the chest cavity: the heart, the pericardium or heart bag, trachea or windpipe and both lungs. The thymus gland and the upper part of the thoracic aorta are also present

### *Description of Wounds in Left Chest Wall.*

On the left wall of the chest are five wounds each of which shows incised characters. The long axis of each is more or less transverse to the ribs as described when viewed from the interior. They have all the appearance of stab wounds.

(1) Outside, the wound is situated in the first intercostal space, the centre being  $1\frac{1}{2}$ " from the point where the second rib joins its cartilage—the second costo-chondral junction. The wound measures  $1" \times \frac{3}{8}"$  and has the same measurements on the inside.

(2) Outside the wound measures  $\frac{3}{8}" \times \frac{1}{4}"$  and is situated in the second intercostal space at a point  $1\frac{3}{4}"$  from where the second rib joins its cartilage. Inside, it is situated  $1\frac{3}{4}"$  from the same point and measures  $\frac{1}{4}" \times \frac{5}{8}"$

(3) The wound measures  $\frac{3}{8}" \times 3\text{-}16"$ , situated on the outer surface in the third intercostal space 2" from the point where the third rib joins its cartilage. The upper part of the wound overlaps the third rib to  $\frac{1}{4}"$  in extent. Inside, this wound is present in the third intercostal space at a point  $1\frac{3}{4}"$  from where the third rib joins its cartilage. The aperture measures  $\frac{1}{2}" \times 3\text{-}16"$ .

(4) On the outside the aperture is minute and does not permit of accurate measurement. It is situated on the fourth intercostal space at a point 3" from the point where the fourth rib joins its cartilage. Inside, it measures  $\frac{3}{8}" \times 7\text{-}32"$  and is situated at a point  $2\frac{1}{2}"$  from where the fourth rib joins its cartilage.

(5) This aperture is not visible on the outside. Inside, it is situated in the sixth intercostal space at a point  $6\frac{1}{4}"$  from a point where the sixth rib joins its cartilage. It measures  $9\text{-}16" \times 3\text{-}16"$ . The upper part of the wound passes under the lower surface of the sixth rib.

### *Description of Organs in Chest Cavity.*

All the available organs were removed *en masse* and were carefully examined.

### *Heart and Pericardium.*

There is a small incised wound measuring  $1\frac{1}{2}"$  in length situated in the



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pericardium over the region of the left auricular appendage in which there is a smaller wound measuring  $\frac{1}{2}$ ". There is a second small wound at a point 1" from the tip of the left auricular appendage. This wound is on the left surface of the appendage. A third wound is present on the right surface of the left auricular appendage and at the same distance from the tip as the previous wound but at a level  $\frac{3}{8}$ " higher. This wound passes into the aorta (the left sinus of Valsalva). The point of penetration of the aorta is at a point above the junction of the two posterior cusps and passes into the region of the left coronary artery which, however, was not damaged. On exposing the heart no abnormality was noted on external examination. There was no evidence of staining of the inner surface of the pericardium nor was there any evidence of the presence of blood or blood clot within the pericardial sac. Dissection of the heart showed that there was some fatty infiltration of the muscle. Both chambers on the right side of the heart showed dilation, particularly the right ventricle. The tricuspid valve is dilated. All the other valves are normal. All chambers of the heart are empty and bloodless. The coronary arteries are healthy.

## *Lungs.*

Both lungs are dark in colour due to carbon deposit such as might be found in a town dweller. They are not adherent, but both are collapsed

## *Left Lung.*

There is a wound measuring  $\frac{1}{2}$ " which penetrates through the lower part of the upper lobe together with superficial wounding on the surface of the lower lobe in contact with reverse side of wound. This measures about  $\frac{1}{3}$ ". The left main bronchus and branches showed evidence of congestion. On the diaphragmatic surface of the lower lobe, near the posterior inner borders were three minute punctate hæmorrhages with the pleura slightly roughened over them. Examination of the interior of the left lung shows the presence of congestion.

## *Right Lung.*

The right main bronchus and its branches showed evidence of congestion. There were several punctate hæmorrhages over the diaphragmatic surface of the basal lobe. Over them, the pleura was slightly roughened. The lobes of the lung showed evidence of congestion.

## *Thyroid Gland.*

Only a portion remains, the bulk of the tissue having been removed.

*Thymus Gland* is present.

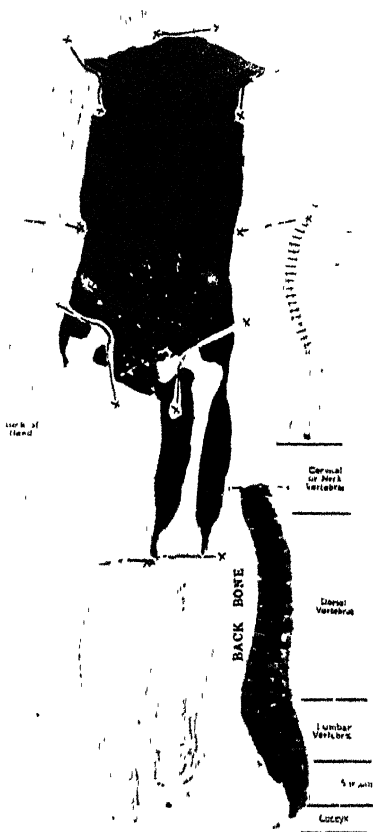
## *Trachea or Windpipe.*

The windpipe has been severed at the base of the cricoid cartilage and the severed portion in the neck corresponds to the portion in the chest.

## *Œsophagus or Gullet.*

The length of the œsophagus remaining was  $6\frac{3}{8}$ ". Dissection failed to reveal any abnormality.

# BODY No 1



**Medico-Legal Diagram of Body No 1** Areas denuded of Soft Tissues and Bony Parts missing are blocked out in black. Disarticulations marked x——x

**BODY No 2**



**Medico-Legal Diagram of Body No 2** Areas denuded of Soft Tissues and Bony Parts missing are blocked out in black Disarticulations marked x — x

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### *Spinal Column.*

There are two cervical, twelve dorsal and two lumbar vertebræ in the portion of the spinal column associated with the thorax.

The tenth rib on the right side of the chest is fractured at its mid-point. There is no surrounding bruising or rupture of the pleura nor was there evidence of hæmorrhage in this region.

### *Pelvis.*

The osseous structure of the pelvis is complete and tissue-covered. Disarticulation has been effected between the second and third lumbar vertebræ. The third, fourth, and fifth lumbar together with the lower vertebræ are attached to the pelvis. There has been disarticulation at both hip joints. Two portions of skin are present.

(1) A small irregular portion with some hairs in the region of the left groin.

(2) An irregular strip of skin commencing above, at a point 1" above the tip of the coccyx, and extending downwards for a distance of  $1\frac{1}{2}$ ". The anterior end passes to the left of the anus and extends for  $1\frac{1}{2}$ " in front of it. The soft parts consist of muscle and connective tissue which are extremely ragged and irregular.

### *Dissection of the Organs.*

#### *Rectum.*

Almost the whole of the rectum is present. It has been severed at the pelvi-rectal junction in front of the promontory and is 7" in length.

#### *Bladder.*

The opening of the urethra can be seen from the front. The bladder is in a state of contraction and is empty.

#### *Vagina.*

The portion of the vagina which remains measures 2" in length from below up and the external marginal walls are absent.

#### *Broad Ligament.*

This ligament which holds the uterus in position has been irregularly cut at its base, the uterus and its appendages being absent.

#### *Right Upper Arm.*

Practically all the tissue has been removed from the bone with the exception of large tags which are adherent to the shaft and to the ends of the bone. The disarticulation has been effected through the shoulder and elbow joints and the upper articular surface of the bone shows only one superficial cut.

#### *Right Forearm and Hand.*

Disarticulation has been effected through the elbow joint in a rather irregular manner, there being tags of muscle around the joint and a portion of skin more or less in the form of an elongated triangle adherent

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to the part of the bone constituting the elbow. The line of incision is also irregular in its contour but is more or less on a horizontal plane at a distance of 3" below the prominence of the elbow. The terminal phalanx of the thumb has been removed by disarticulation through the joint while in the case of the remaining fingers of the hand, they have been disarticulated through the second joints. There is an incised wound which extends from the web between the middle and ring fingers upwards, dividing the hand for a distance of  $2\frac{1}{4}$ ". All the tissues have been cleanly divided in this wound, the wound connecting from back to front. There is also a second clean-cut wound extending to muscle over the base of the thumb on the palm side of the hand which measures  $1\frac{1}{4}$ ".

## *Upper Left Arm.*

The bone is in the same condition as its neighbour, being practically devoid of tissue except for tags. There is no injury to the articular surface of the head.

## *Left Forearm and Hand.*

Disarticulation has been cleanly effected through the elbow joint and the tissues have been irregularly severed. The muscle margins are irregular and there are several tags adherent round about the point of joint severance. There is a stab wound which perforates the wrist from front to back on the front of the wrist at the little finger side of palm. The contour of this wound is irregularly triangular as is the wound upon the other side of the wrist which has a narrower base. The respective measurements are  $\frac{5}{8}" \times \frac{3}{8}"$  and  $\frac{3}{4}" \times \frac{1}{4}"$ . Portions of the fingers have been removed in the same way and to the same extent as described in the case of the right hand.

## *Right Thigh.*

Only the right thigh bone remains, with adherent scanty muscular tissue particularly around the head of the bone and also the shaft and lower portion of the bone. At its lower end and on the inner portion of the joint surface there are several superficial cuts into the cartilage. The bone has been disarticulated at the hip and at the knee joints.

## *Left Thigh.*

Only the left thigh bone remains, and it is in a similar condition to its neighbour just described. The bone has been disarticulated at the hip and knee joints. The surface of the head of the bone shows three superficial cuts into the surface of the cartilage. There is also a series of superficial cuts affecting the inner portion of the joint surface at the lower end, while the outer portion shows damage to bone, the back portion of which has been practically separated from the remainder, being retained above only by the tissue covering the bone. The bone at this part has been splintered into eight portions all of which are of small size with the exception of one portion.

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### *Left Lower Leg without Foot.*

The limb is devoid of skin, but both the bones, which have been disarticulated through the knee and ankle joints are clothed with muscle and other tissue.

### *Left Foot.*

The foot has been disarticulated at the ankle joint and the line of dismemberment is oval in shape with the long axis parallel with that of the foot. The foot articulates accurately with the bones of the leg. The skin and underlying tissue have been removed from the region of the great toe on the front of the foot and the wound extends to bone and the capsule of the joint. The joint between the foot and the great toe (metatarso-phalangeal) joint has been opened into by the wound. X-ray shows some deformity in the contour of the end of the proximal phalanx entering into the toe joint. A wound is present on the sole of the foot which it crosses transversely. The great toe has been cleanly disarticulated between the first and second bones of the toe except for a small chip—bone. The second toe has been disarticulated between the first and second bones. A portion of the third toe has been removed by cutting through the first bone. The fourth toe has been disarticulated between the first and second bones while the fifth toe has been severed by cutting through the first bone. On the lower surface of the heel the skin has been removed over an area of  $2\frac{3}{8}'' \times 1\frac{1}{2}''$ . A further incision leads up from the back surface of the heel for a distance of 1" to end at a point  $\frac{1}{2}''$  below the level of the dismemberment incision.

### *Right Lower Leg without Foot.*

Is as described in relation to the left lower leg, but, in addition, one of the bones of the foot is attached—the astragalus. The disarticulation has been effected between the astragalus and os calcis.

### *Condition of Blood Vessels.*

Blood vessels were dissected out, opened, and examined when they were found to be empty and no blood staining of appreciable character was detected.

### *Soft Parts Detached from Body.*

#### *Three Female Breasts.*

(1) This has been removed superficially in relation to the muscles of the chest and in addition to the breast there is a surrounding area of skin. The whole portion measures  $11'' \times 7''$ .

All border\* incisions have been made with a sharp cutting instrument with occasional tentative cuts. There are, however, several ragged cuts. The upper border is the most ragged. The nipple and surrounding skin have been excised over an approximately triangular area. The base of the triangle measures 2".

(2) A flap of skin and fat with some evidence of superficial chest muscle which measures  $12'' \times 8''$ . This portion bears a breast and nipple which

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shows evidence of oblique superficial cutting on the lower surface. The cut extends practically horizontally from the outer margin of the breast inwards for a distance of 3". In addition there are several other wounds. (1) and (2) form a pair.

(3) A portion of skin-covered tissue with breast tissue together with fat and muscle beneath. It is almost circular in shape and has a diameter of 5". There is a gaping, irregular wound with some loss of substance, situated 1" to the right of the middle line. The wound measures 4".

## *Two Portions of Mons Veneris.*

(1) This is a portion of irregularly shaped skin covered tissue with fat and muscle below. It measures 5"×5" and there is some curly light-brown hair present. The specimen shows the upper portion of the vulvar cleft.

(2) An irregular portion of skin-covered tissue with underlying fat and muscle. Scanty hairs of medium brown colour are present. The portion measures 5"×3½". This specimen shows the uppermost portion of the vulvar cleft.

## *Uterus and Appendages.*

These together weigh 70 grms. The uterus is 2½" in length by 2" in breadth at its upper portion or fundus, while the anterior and posterior measurements show that it is 1" in thickness. The muscle is firm and healthy and has been cleanly cut with a sharp instrument in two places. The upper incision is on a level ½" below the top outer surface of the fundus, the lower, a full ½" below the site of the first incision. The incisions pass through the anterior wall, both muscle and mucous membrane, and nearly completely through the posterior wall, a portion remaining attached only by a thin layer of muscular and connective tissue. The inner surface of the organ appears quite healthy and in a resting condition. The organ has been removed from the body by clean incisions through the base of the broad ligament, the portion removed including cervix and fornices of the vagina. The os or external opening is slit-like. There was no obvious evidence of disease. Both tubes and ovaries are present. The right ovary measures ¾"×½"×¼". The left ovary is distorted and flattened and is roughly discoidal in shape with diameters of 1" and 1½" and is 3-16" thick. The tubes are apparently quite healthy.

## *Additional Soft Parts.*

In all, there are forty-three separate parts which vary in size from 14"×8" downwards to small tags of tissue. Many of these are skin covered and have fat and muscle below. On the skin of a number of these parts incised wounds are found. One portion is composed of skin with underlying fat and muscle with a right knee cap attached at one end and a second portion was also found which had the left knee cap adherent to the tissue at one end. No evidence of scars or other marks of identification was found.

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The following portions of tissue were removed from each of the two bodies for the purpose of microscopic examination by one of us, Dr. W. Gilbert Millar,\* and we, Professor Glaister and Dr. Martin, have corroborated his findings which are embodied in his separate report :—

### *Body No. 1.*

- (1) Portion from edge of lacerated wound on crown of head. Labelled "Lacerated wound from scalp, Head I"
- (2) A portion of the right tonsil. Labelled "Tonsil Right."
- (3) A portion of the left tonsil. Labelled "Tonsil Left."
- (4) A portion from an area suggestive of bruising from the right arm. Labelled "? bruising right upper arm."
- (5) A portion from an area suggestive of bruising on the left upper arm. Labelled "? bruise, left upper arm."
- (6) A portion from the upper wound of dismemberment of the left leg near the knee joint. Labelled accordingly.
- (7) A portion of the upper wound of dismemberment of the left thigh near the hip joint. Labelled accordingly.
- (8) A portion from the upper wound of dismemberment of the right upper arm near the shoulder joint. Labelled accordingly
- (9) A portion of a small discoloured area on the right forearm thought to be possibly a birth mark. Labelled "? nævus, right forearm."
- (10) Tongue (two specimens).

### *Body No. 2.*

- (1) A portion of outer surface of left lung including a small reddish area thought to be a hæmorrhage. Labelled "A. Petechiæ, left lung."
- (2) A portion of the substance of the left lung. Labelled "B. Left Lung. Posterior."
- (3) A portion of the substance of the left lung. Labelled "C. Left Lung. Anterior."
- (4) A portion of the outer surface of the right lung including a small reddish area thought to be a hæmorrhage. Labelled "D. Petechiæ, right lung."
- (5) A portion of the main air tube of the left lung. Labelled "E. Left main bronchus."
- (6) A portion of the main air tube of the right lung. Labelled "F. Right main bronchus."
- (7) A portion of the substance of the lower lobe of the right lung. Labelled "G. Right base."
- (8) A portion of the substance of the upper lobe of the right lung. Labelled "H. Right upper lobe."
- (9) Two portions of different parts of a mass of tissue thought to be thymus gland. Labelled "I. Thymus."

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\* See Appendix VIII.



# Buck Ruxton.

- (10) Scrapings from the socket of a tooth thought to be fairly recently extracted. Labelled "Scrapings from tooth socket No. 2"
- (11) A portion of the gum from the edge of the same socket. Labelled "Gum."
- (12) A portion from the edge of the lowest stab wound in the thorax. Labelled "Thorax."
- (13) A portion of a narrow strip of skin at the edge of the chin. Labelled "Chin skin, No. 2."
- (14) A portion from the upper wound of dismemberment of the left forearm near the elbow joint. Labelled accordingly.
- (15) A portion from the upper wound of dismemberment of the right forearm near the elbow joint. Labelled accordingly.

## *Remains Not Allocated.*

- (1) A portion of one of a pair of female breasts. Labelled "Q Breast."
- (2) A portion of the other of a pair of female breasts. Labelled "R. Breast."
- (3) A portion of a third female breast. Labelled "Third Breast"
- (4) A portion taken from near the middle of the wall of the womb. Labelled "N. Uterus. Posterior wall below fundus."
- (5) Another portion of the wall of the womb taken from a higher site. Labelled "Uterus. Fundus."
- (6) A portion of an ovary. Labelled "O Ovary."
- (7) A portion of another ovary. Labelled "P. Ovary."

A portion of blood clot was removed from the brain of Body No. 1 and the brain of Body No 2 by one of us, Dr. W Gilbert Millar, in the presence of Professor Glaister and Dr. F. W. Martin, and two of us, namely, Professor Glaister and Dr. Martin, made a spectroscopic examination for the presence of carbon monoxide, with negative result.

Available hairs were taken from various parts of the two bodies by us and were submitted to microscopic examination both in longitudinal plane and in transverse section.

Acting on instructions from the Crown Office, Edinburgh, one of us, Dr. W. Gilbert Millar, supplied a portion of brain from Body No 1 and a portion of the brain, lung, and heart from Body No. 2, to Dr. A. Scott Dodd, City Analyst, Edinburgh, for the purpose of toxicological examination. In his report, dated 11th October, 1935, he states that he did not detect the presence of alkaloid, arsenic, or antimony in either case.

## OPINION.

As the result of our examination of the remains of Body No. 1 and Body No 2, we are of the opinion that—

- (1) The remains represent two female bodies.
- (2) Both were well-developed and well-nourished subjects.
- (3) The dismemberment of each subject was effected by disarticulation through the joints and through the spinal column, there being no evidence of the use of a saw.

## Appendix III.

(4) In addition, there has been extensive removal of the soft tissues from the bodies including most of the external characters which might facilitate identification, with the exception of the left upper arm of Body No 1 which shows four vaccination marks.

(5) In the instance of Body No 1, the trunk is missing together with practically all the soft tissues clothing the right thigh and the soft tissues from various parts of the body. The terminal half of the distal phalanx of the middle finger of the right hand is also missing while all the organs of the chest and abdomen are absent.

(6) There is evidence of injury on Body No 1, namely, two fractures of the vertex of the skull, bruising under the left eye, over the left side of the lower jaw, on the back of the left upper arm, and on the back of the right upper arm. In addition, there is a lacerated wound of the scalp.

In regard to the fractures of the skull, there are no definite indications that they were produced during life, but they represent two separate blows, and had they been inflicted during life, would not have caused death, but could, and would likely have brought about a state of unconsciousness. The bruises on the arms have all the general and microscopic appearances of ante-mortem origin, but it could not be stated whether the lacerated wound on the scalp was inflicted before or after death.

(7) The brain shows some congestion and the tongue shows moulding by the palate, is swollen, is slightly protruding beyond the dental margins, and shows certain depressions on the upper and lower surfaces. This condition is not infrequently found in cases of manual strangulation, but in view of the fact that over the gap of the two central incisor teeth there is a slight ridged indentation suggestive of the impression of tooth sockets, teeth from which are thought to have been extracted after death, the impressions may have, and are likely to have, been produced after death.

(8) In view of the extent of the missing parts of this body, it is not possible to state the cause of death.

(9) Chemical analysis of the brain tissue failed to disclose the presence of any alkaloid, arsenic, or antimony, while a sample of blood from the brain failed to disclose the presence of carbon monoxide by spectroscopic examination.

(10) In regard to Body No 2, the right foot, portions of the toes of left foot, and portions of all fingers are missing, in addition to most of all soft parts and abdominal organs.

(11) There is evidence of injury on this body, namely, four wounds on the outer surface of the left chest wall, fracture of the tenth rib on the right side, fracture of the left scapula, fracture of the lower end—the articular surface—of the left thigh bone, and fracture between the body and the right horn of the hyoid bone. The fracture of the hyoid bone indicates forcible compression and is suggestive of manual strangulation. With regard to the wounds on the left side of the chest, it is impossible to state whether they were inflicted just before or after death during the process of an attempt to remove the structures from the interior of the chest, but the absence of

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blood and staining in the interior of the heart sac gives indication that they were produced after death.

Similarly in relation to the injury of the left lung, wounding of the heart and pericardium, it cannot be stated whether the wounds were produced just before or after death, but for the reason already given in relation to the chest wounds, the latter view is the likely one. The fracture of the rib, the left scapula, the lower end of the left thigh bone, were most probably produced after death; in the case of the rib by forcible contact with a solid object; in the case of the scapula by crushing or leverage and in the case of the thigh bone by crushing or as the result of forcible contact with a solid object.

(12) The brain is congested as are the lungs which show some small punctate hæmorrhages on the surface while the right side of the heart is slightly dilated—combined features frequently encountered in asphyxial deaths.

The removal of the eyes, ears, lips, and finger tips might be significant since they are parts which frequently bear asphyxial signs. In addition to the condition of the hyoid bone, the tongue is swollen, the tip protrudes beyond the dental margins and in addition there is moulding by the palate. The tongue is commonly found in this condition in cases of manual strangulation, but since it failed to show marks of certain teeth, thought to have been removed after death, the condition may be due to another cause.

(13) A specimen of blood removed from a vessel on the surface of the brain was submitted to spectroscopic examination for the presence of carbon monoxide with negative result. Portions of the heart, lung, and brain were analysed, but the presence of alkaloid, arsenic, or antimony was not detected.

(14) The proximate cause of death in the case of Body No. 2 was asphyxia.

(15) An examination of the hairs available from the two bodies indicates that the general colour of the hair of Body No. 1 was light brown and in the case of the hairs from the front of the left ear, light brown with fairish tips.

The hair from Body No. 2 was light to medium brown on the right side of head, but the eyelashes were dark brown. The hair on one portion of the external female genitals was light brown to fair at the tips while the hair on the other portion was of a medium brown colour.

(16) We are unable to state to which of the bodies the uterus belonged.

(17) Two of the breasts formed a pair and were removed from the same body. These were more pendulous than the other breast which came from another female body.

(18) The nature of the two parts of female external genitals shows that they were removed from two separate female bodies.

(19) The condition of the distal joint of the left great toe of Body No. 2 indicated a chronic inflammation with some deformity in the contour of the end of the proximal phalanx.

(20) There is no evidence of vital reaction in the dismemberment wounds on either body, which have been made with a sharp cutting instrument.

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(21) The cutting up of the bodies has taken place within a few hours of death in view of the absence of post-mortem staining (hypostasis) and having regard to the bloodless condition of the bodies, which is indicative of the drainage of blood before clotting commenced.

(22) Death has supervened some ten to fourteen days or thereby prior to our first examination of the remains

(23) The task of dismemberment and mutilation was likely to present difficulty without skill, anatomical knowledge, and suitable instruments, but, with these, the bodies could have been divided into the parts as found in about eight working hours.

(Sgd.) JOHN GLAISTER, M.D., D.Sc., &c.,  
Regius Professor of Forensic Medicine, University  
of Glasgow.

(Sgd.) W GILBERT MILLAR, M.B., Ch.B.,  
Lecturer in Pathology and Assistant in Forensic  
Medicine, University of Edinburgh; Patho-  
logist, Royal Infirmary, Edinburgh.

(Sgd.) F. W. MARTIN, M.D.,  
Assistant, Forensic Medicine Department,  
University of Glasgow.

20th November, 1935.

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## APPENDIX IV.

### REPORT OF TESTS FOR BLOOD MADE ON ARTICLES AND CLOTHING FROM 2 DALTON SQUARE, LANCASTER.\*

Professor John Glaister, M.D., D Sc., &c.; Dr. W. Gilbert Millar, M.B., Ch.B., and Dr. F. W. Martin, M.D., say—

Acting on instructions received from H. J. Vann, Esq., Chief Constable, Borough of Lancaster Constabulary, two of us, namely, Professor Glaister and Dr. F. W. Martin, proceeded to Lancaster on Monday, 14th October, 1935, and there conducted an examination on the premises situated at 2 Dalton Square, Lancaster, and as a result made certain suggestions in regard to the laboratory examination of the exhibits.

Acting on similar instructions, on Tuesday, 22nd October, 1935, two of us, Professor Glaister and Dr. W. Gilbert Millar, proceeded to Lancaster and made an inspection of the premises situated at 2 Dalton Square, in connexion with the inspection of certain articles in the house.

The following articles, among many others, were received from the

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\* Report (slightly abridged) supplied and edited by the courtesy of Professor Glaister. For further extended information on this subject, see *Glaister and Brash*, "Medico-legal Aspects of the Ruxton Case," Livingstone, 1937.

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Lancaster Constabulary at the Department of Forensic Medicine, The University, Glasgow, for examination:—

3. Labelled "Six stairs leading to the landing."
5. " " "Stair rails left of landing stair."
7. " " "Bathroom door."
8. " " "Side of seat in bathroom."
9. " " "Linoleum of seat with top of seat."
- 9a. " " "Linoleum, bathroom floor."
- 9b. " " "Underneath portion of linoleum in bathroom."
12. " " "Stop of bath with chain."
14. " " "Woodwork panel of wash-hand basin and woodwork on left of basin, also framework and door of cupboard beneath."
15. " " "Whole of cupboard door."
- 18 & 19. " " "Linoleum in bath press—floor; two portions: front and back portions."
20. " " "Flooring below."
23. " " "Whole of the back board adjoining back surface of bath."
- 23a. " " "Bath and fittings entire."
24. " " "All w.c. woodwork and surrounding wood."
- 30b. " " "Debris retrieved from drain at bottom of outer back door."
31. " " "Second sample of debris retrieved from trap at back door."
34. " " "Solid matter retrieved from second trap at back door."
41. " " "Leather motor coat taken from the house of Dr. Ruxton."
46. " " "Solid matter found at foot and side of bath."
49. " " "Jacket and trousers recovered from Mrs. Hampshire."
53. " " "Three lengths of carpet and five stair pads recovered from Mrs. Hampshire."
54. " " "One length of carpet and one square of carpet recovered from Mrs. Oxley."
69. " " "Mrs. Ruxton's clothing; brown suede shoes, brown costume, brown three-quarter length coat, 2 white blouses, pair of corsets."
75. " " "Trap from waste pipe of bath."
97. " " "Paper from bathroom."
98. " " "Paper from bathroom."
99. " " "Paper from bathroom."
105. " " "Box containing stair eyes and dust removed from stairs of house at 2 Dalton Square, numbered from top to bottom."
119. " " "Chamber pot from Miss Rogerson's bedroom."

## EXAMINATION.

*Article No. 3.* "Six stairs leading to landing."

This is a flight of steps removed in their entirety, which lead to the uppermost landing at 2 Dalton Square. There was no obvious staining

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over the woodwork comprising this flight of steps. Numerous scrapings, however, were taken from many different portions of the surfaces and were submitted to preliminary tests without giving indication of the likely presence of blood.

### " Stair-rod holders "

Portions of adherent debris were removed from each of these together with samples of the underlying debris, the rod holders having been removed. On removal, each was placed in an envelope and individually marked for subsequent identification. In the case of both holders of step 3, step 5, step 7, step 9, step 11, step 12, a presumptive test for blood gave a positive result, but microscopic examination failed to reveal the presence of definitely identifiable blood cells. In addition, examination failed to disclose any reliable evidence of the presence of blood pigment. The material obtained from both holders of step 11 and on the left of step 12 when submitted to serological examination gave a positive reaction for the presence of human protein.

### *Article No. 5. " Stair rails left of landing stair."*

The following stains were found to be present:—

#### Rail 1. Front Surface.

An area of staining in the form of several small spots of a darkish brown colour commencing at a point 13" downwards from the banister rail.

#### Rail 3. Stair Surface. " A."

There is a darkish black stain measuring 1" in length and irregular in shape situated 7½" downwards from the banister rail. A portion of this stain was taken and labelled " A." In addition there is a small darkish stain 13" down from under surface of banister and another small stain at a point 22" below banister.

#### Rail 4. Stair Surface.

- (1) Stain 15" below banister rail.
- (2) Stain 17½" below banister rail.
- (3) Stain 23" below banister rail.
- (4) Stain 25½" below banister rail.

#### Front Surface. " B."

- (1) Stain, inverted soda-water-bottle-shaped, 15½" below banister rail.
- (2) Similar stain 16½" below banister rail.
- (3) Similar stain 18" below banister rail.
- (4) Similar stain 18½" below banister rail.
- (5) Several discrete stains 22½" down covering an area of 1½", there being five stains in all. Portion taken from (4) and (5) and labelled " B."

#### Rail 5. Stair Surface. " C."

- (1) 4½" below banister rail are four small black stains.

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- (2)  $7\frac{1}{2}$ " below banister rail, one similar black stain.
- (3)  $10\frac{1}{4}$ " below is a series of stains covering an area of  $3\frac{1}{4}$ ". They number sixteen and vary in size from pin point to small pea. Portion taken and labelled "C."
- (4)  $16\frac{1}{2}$ " below is a faint smeared stain measuring  $1\frac{1}{4}$ ".
- (5)  $27\frac{1}{2}$ " below is an inverted soda-water-bottle stain of blackish colour.

## Back Surface.

An inverted soda-water-bottle stain  $13\frac{1}{4}$ " below banister rail.

## Front Surface.

- (1) Stain about the size of a pea  $12\frac{1}{2}$ " down
- (2) Inverted soda-water-bottle-shaped stain  $13\frac{1}{2}$ " below.

## Rail 6. Stair Surface. "D."

- (1) An area measuring  $1\frac{1}{2}$ " $\times$  $10$ " composed of 12 stains. Portion taken and labelled "D."
- (2)  $14$ " below are four areas of staining, two being of dark colour.
- (3)  $18$ " below, stain, droplet formation.

## Back Surface.

- (1)  $9\frac{1}{2}$ " below, an inverted soda-water-bottle stain.
- (2)  $19\frac{1}{2}$ " below there is a stain about the size of a pea.

## Rail 7. Stair Surface.

$20\frac{1}{2}$ " below are several small stains

## Back Surface.

- (1) Stain  $6\frac{1}{4}$ " below.
- (2) Three small streaks  $11$ " below.
- (3) At sawn portion at base, small stain.

## Rail 8. Stair Surface. "E."

An area  $3\frac{1}{4}$ " in length showing seven circular stains each about the size of a lentil. The area commences at a point  $6\frac{3}{4}$ " below banister; also  $2$ " below there is a small inverted soda-water-bottle stain. Portion taken and labelled "E."

## Front Surface. "F."

$16\frac{1}{2}$ " down there is a stain measuring  $\frac{1}{2}$ " $\times$  $\frac{1}{4}$ ". Portion taken and labelled "F."

## Rail 9. Stair Surface.

- (1) Inverted soda-water-bottle-shaped stain  $4$ " below banister rail.
- (2) Inverted soda-water-bottle-shaped stain  $4\frac{1}{2}$ " below banister rail.
- (3) Inverted soda-water-bottle-shaped stain  $12\frac{1}{2}$ " below banister rail.

## Back Surface.

Inverted soda-water-bottle-shaped stain  $5\frac{1}{2}$ " below.

## Rail 10. Stair Surface. "G."

- (1) Group of stains  $6\frac{1}{2}$ " below banister rail for a distance of  $1\frac{3}{4}$ ".
- (2) A stain  $11\frac{1}{4}$ " below banister rail. Portion taken and labelled "G."

## Back Surface.

- (1) Stain  $6\frac{1}{4}$ " below banister rail.
- (2) Stain  $7\frac{1}{2}$ " below banister rail.

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### Rail 11. Stair Surface.

- (1) Two inverted soda-water-bottle stains  $5\frac{3}{4}$ " below banister rail.
- (2) Small stain  $8\frac{1}{2}$ " below banister rail.
- (3) Thin streak 1" above the sawn edge at base of rail.

#### Back Surface.

Inverted soda-water-bottle-shaped stain  $12\frac{1}{2}$ " below banister rail and measuring  $1\frac{1}{8}$ ".

#### Front Surface.

A small streak-like stain at a point  $4\frac{1}{2}$ " below banister.

### Rail 12. Stair Surface.

A stain  $2\frac{1}{4}$ " below banister. At a point  $7\frac{1}{2}$ " below there are eight stains occupying an area of  $1\frac{1}{4}$ ", two of which have an inverted soda-water-bottle shape.

### Rail 13. Stair Surface.

- (1) Inverted soda-water-bottle-shaped stain  $6\frac{3}{4}$ " below banister.
- (2) Small stain at edge of rail at that point.

#### Back Surface. "H."

- (1) Small stain 8" below banister.
- (2) Small inverted soda-water-bottle-shaped stain 9" below banister rail Specimen taken from (1) and (2) and labelled "H."

### Rail 14. Stair Surface.

An inverted soda-water-bottle-shaped stain  $11\frac{1}{2}$ " below banister.

#### Back Surface "I."

- (1) Soda-water-bottle-shaped stain  $13\frac{1}{2}$ " down.
- (2) Stain  $14\frac{3}{4}$ " below banister rail.
- (3) Stain  $16\frac{1}{4}$ " below banister rail.
- (4) Stain 18" below banister rail
- (5) Stain  $18\frac{1}{2}$ " below banister rail.
- (6) Stain  $22\frac{1}{2}$ " below banister rail.
- (7) Stain  $27\frac{1}{2}$ " below banister rail.

All are soda-water-bottle shaped. Specimen for test composed of Stains (1) and (4) and labelled "I."

### Rail 15 Landing Surface.

There is an area of indefinite staining over an area of 1" at a point 8" above the base of the rail.

### Banister. Stair Surface "J."

24" below the head of stair end there are about 20 stains over an area measuring  $4" \times 1\frac{1}{2}"$ . Portion taken and labelled "J." At a point  $3\frac{1}{2}$ " lower there is a small soda-water-bottle-shaped stain and at a further  $3\frac{1}{2}$ " below there is an elongated smear with what appears to be clotted material and which measures  $1\frac{1}{4}"$ . At a point 18" above the sub-landing end of banister there are three pinhead stains and at a point 13" above the same end of the banister there is a stain the size of a lentil.



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## Top Surface. "K."

There is a circular stain at a point  $14\frac{1}{2}$ " below the head of stair end of small size and which shows some clotted material. A portion taken and labelled "K."  $7\frac{1}{2}$ " below this stain are three small stains. At a point 4" lower there are four inverted soda-water-bottle-shaped stains.  $2\frac{3}{4}$ " below these are a further three inverted soda-water-bottle-shaped stains. 3" lower is a stain about the size of a pea and  $2\frac{1}{4}$ " below this stain are three further small stains.

## Outer Surface.

There is a darkish stain at a point 15" above the lower end of banister. It has a smeared appearance and measures  $\frac{1}{2}$ "  $\times$   $\frac{1}{8}$ ".

## Under Surface.

Nothing noteworthy.

The general distribution of the staining indicates that the fluid producing the stains has travelled in a direction from above downwards and in a more or less oblique direction. In some instances the fluid seems to have run for a short distance from above downwards. The stains on the upper surface of the banister give indication that the fluid has travelled from the stair surface outward. The stains on the outer surface of the banister give indication of having trickled from above downward. All the stains described are of dark appearance. The portions taken from the stains and lettered "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," and "K" were submitted to chemical, microscopic and spectroscopic examination and revealed the presence of mammalian blood, the blood group to which man belongs. Each of these stains were separately submitted to the serological test for human blood and in each instance the result was positive.

## Article No. 7. "Bathroom door."

There is a thin smear-like brownish stain measuring  $\frac{3}{4}$ "  $\times$   $1\frac{1}{2}$ " on the outer surface of the bathroom door at a point  $4\frac{1}{2}$ " from the hinged side and  $1\frac{1}{2}$ " upwards from the lowermost margin.

"A." On the inner surface of transverse lowermost panel, there is an area of staining measuring 16"  $\times$  9" which shows numerous inverted soda-water-bottle-shaped reddish stains. The direction of these stains is from above downwards and slightly oblique from left to right. A portion of this stain was removed, labelled "A" and submitted to microscopic, chemical and spectroscopic examination with positive result giving indication of the presence of mammalian blood. A serological test was then applied when the reaction for human blood was obtained.

## Article No. 8. "Side of seat in bathroom."

"A." At a point  $26\frac{1}{2}$ " from the painted margin at bathroom door end of the upper surface, there is an area of staining which extends for 19", over the first  $9\frac{1}{2}$ " of which are numerous faint brownish coloured streaks which are plainly seen, and which run downwards to about  $1\frac{1}{2}$ " to  $2\frac{1}{2}$ " from the lower margin. Over this area of  $9\frac{1}{2}$ " the crevices show evidence

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of staining at the margins which are in contact. A portion of the stained material was removed and labelled "A."

"B." There is a well-marked area of staining at a point  $45\frac{1}{2}$ " from the same end as the above stain and commences at a point 2" from the upper margin and extends  $2\frac{1}{2}$ " downwards. A portion was taken and labelled "B."

There are also several areas less defined over more or less the entire surface of this article. For a distance of 36" on the surface of this article from the cupboard end towards door of bathroom, no definite stains are to be seen. The same may be said over a distance of 20" from the door end inwards. For approximately 43" over the surface of the centre of the article, staining is most characteristic.

Stains lettered "A" and "B" were submitted to microscopic, chemical and spectroscopic tests with positive result for the presence of mammalian blood. In each instance the serological test was made, the result of which showed that the blood was of human origin.

*Article No 9.* "Linoleum of seat with top of seat."

Examination of the seat itself proved negative for suspicious stains.

"Examination of linoleum."

"A." On the front edge of linoleum covering bath seat there are a few reddish coloured stains commencing at a point  $34\frac{1}{2}$ " from the cupboard door end and extending over an area of  $8\frac{1}{2}$ ". There are also several areas of staining on the edge itself at a point  $30\frac{1}{2}$ " from the bathroom door end and extending over a distance of  $2\frac{1}{2}$ ". A portion from these was taken and labelled "A."

"B." Some of these are indefinite, but there is one stain of reddish-brown colour in the form of a smear which measures  $1" \times \frac{1}{4}"$ . This was removed and labelled "B."

Both stains were submitted to microscopic, chemical and spectroscopic tests and the results proved the presence of mammalian blood. Each was submitted to serological test with positive result giving indication that the blood was human.

*Article No. 9a.* "Linoleum bathroom floor," consisting of two portions:

(1) smaller portion and (2) larger portion.

(1) Smaller portion in front of closet: no noteworthy stains present.

(2) Larger portion:

"A." There are two areas of brownish staining situated 9" and 15" respectively from the extreme left end facing bathroom cupboard. These and general scrapings were removed, labelled "A," and were submitted to microscopic, chemical and spectroscopic tests for blood pigment with positive result for mammalian blood. They were further submitted to the serological test with positive result giving indication that the blood was human.

"B." Over a distance of 32" commencing at a point 15" from the commencement of this edge at head of bath, there are six areas of very thin staining along the inside rim next bath. The longest continuous

## Buck Ruxton.

portion measures 12" while other areas measure roughly about 1" in length. Portions were removed from several of these areas and were labelled "B." It was found that there was insufficient material available for complete tests and therefore a definite opinion as to the presence of blood is not expressed. The result of the serological test, however, was positive and gave indication of the presence of human protein.

"C." Along the side margin bordering base of seat at door end for a distance of 54" are areas of staining well marked at a point 28" from door end and extending for a distance of 10". Some of these are very faint, almost imperceptible in colour; others show a brown tinge. A portion was taken and labelled "C." It was found that there was insufficient material available for complete tests and therefore a definite opinion is not expressed as to the presence of blood. The result of the serological test was, however, positive and gave indication of the presence of human protein.

"D." On under surface of the same margin at a point 30" from the door is a stained area about the size of a pea. There is a second stain of very indefinite character at a point 1" from the first. The stain first described is more or less approximate in position to staining upon the underlying parquet linoleum. A portion was taken and labelled "D." It was found that there was insufficient material available for complete tests and therefore a definite opinion is not expressed as to the presence of blood. The result of the serological test was, however, positive and gave indication of the presence of human protein.

*Article No. 9b. "Underneath piece of linoleum in bathroom."*

At the bath edge there are several brownish stained areas on the upper surface.

"A." They are most notable over an area measuring 22" and commencing at a point 16" from the tap end of the bath. There are in addition several stained areas on the under surface of this portion measuring 22". The largest of the stains upon the upper portion of this part measures  $2\frac{1}{2}" \times \frac{1}{4}"$  at its broadest. A portion was taken and labelled "A." It was found that there was insufficient material available for complete tests and therefore a definite opinion as to the presence of blood is not expressed. The result of the serological test was, however, positive and gave indication of the presence of human protein.

"B." On upper surface situated on the projecting portion at cupboard door is a reddish-brown stain the size of a threepenny piece,  $2\frac{1}{4}"$  behind the front border and  $4\frac{1}{2}"$  inward from right margin of projecting portion. A portion was taken and labelled "B." The tests for blood were not conclusive and therefore a definite opinion as to the presence of blood is not expressed. The result of the serological test, however, was positive and gave indication of the presence of human protein.

*Article No. 12. "Stop of bath with chain."*

Scrapings were taken from all the surfaces of the bath stop and the mixture was submitted to microscopic and chemical examination and tested

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for the presence of blood pigment, with positive result in all cases indicating the presence of mammalian blood. Application of the serological test gave positive result indicating that blood was of human origin.

*Article No. 14.* "Woodwork panel of wash-hand basin, woodwork on left of basin and at end of bath nearest wash basin."

Woodwork side panel of wash-hand basin on left of basin "A"

- (1) On under surface on panel edge are two red circular stains each the size of a large pea and situated  $2\frac{3}{4}$ " from one end.
- (2) There is also a similar coloured stain present at a point  $1\frac{1}{2}$ " from the same end but without circular contour, measuring  $\frac{1}{2}" \times \frac{1}{4}"$ .
- (3) Indefinite stain at edge opposite to the rounded end.

A portion was taken from each of the three stains described and was labelled "A." These were examined microscopically and spectroscopically and were further tested for the presence of blood pigment with positive result giving indication of the presence of mammalian blood. The serological test when applied gave positive result indicating that the blood was of human origin.

Framework around cupboard door beneath wash-hand basin.

"B." There is a small reddish stain the size of a lentil on the left side of framework facing cupboard door. It is situated  $5\frac{1}{2}$ " below upper surface and at a point 1" inward from door margin. A portion was taken and labelled "B." The tests for blood proved inconclusive and therefore no opinion is expressed as to the presence of blood. The serological test proved positive and gave indication of the presence of human protein.

"C." Debris was taken from the under surface of the framework over a distance of 20" of the middle part. A portion was taken and labelled "C." The result of the examination for blood proved inconclusive and therefore an opinion as to the presence of blood is not expressed.

Cupboard door. "D.1."

- (1) 2" below handle there is a small reddish-brown lentil-sized stain at a point  $1\frac{1}{2}$ " outwards from the back edge of the door margin.
- (2) An inverted soda-water-bottle-shaped stain on the same portion at a point 1" upward from the door frame margin and  $2\frac{1}{2}$ " in front of door margin. It measures  $\frac{3}{4}"$ , the broad portion being uppermost.

A combined specimen from the two stains was taken and labelled "D.1." The result of the examination for blood proved inconclusive and therefore an opinion as to the presence of blood is not expressed.

"D 2." (3) and (4). On the panel next to door opening there are two inverted soda-water-bottle-shaped stains measuring  $1\frac{1}{4}"$  and  $\frac{1}{2}"$  respectively, situated  $8\frac{1}{2}"$  and  $10\frac{1}{2}"$  below the upper margin. Portions were taken and labelled "D.2." These were submitted to microscopic examination and chemical tests when blood pigment was found to be present. The results gave indication of the presence of mammalian blood. The application of the serological test proved by its result that the blood was of human origin.

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"E" (5). A circular stain of reddish-brown colour the size of a pea is present at a point 11" along from the opening of door on upper edge. A portion was taken and labelled "E" The tests for blood proved inconclusive and therefore an opinion is not expressed as to the presence of blood. The serological test proved positive and gave indication of the presence of human protein.

Woodwork on left of wash-hand basin in bathroom

"F" (6) At a point 10½" from top front edge of the left side is an indefinite stained area measuring 7" The tests for blood proved inconclusive and an opinion as to the presence of blood is therefore not expressed. The serological test proved positive and gave indication of the presence of human protein.

*Article No. 15.* "Whole of cupboard door."

Inner surface bathroom cupboard door.

"A." On inner surface near base of the first board on hinged side of the door is an irregular area of smeared staining reddish brown in colour and measuring 2½"×2½". It extends upwards practically to under surface of wooden cross-piece. A portion was taken and labelled "A." Microscopic, chemical, and spectroscopic tests proved positive and gave indication of the presence of mammalian blood. The serological test proved positive and therefore gave indication that the blood was human.

"B." Inside the door there is an indefinite brownish stain on doorway surface of the right wooden support at a height of 4". The stain is about the size of a small pea and is situated at a point ½" from the inner border. A portion was taken and labelled "B." The test for blood proved inconclusive and an opinion is not expressed as to the presence of blood

*Articles Nos. 18 and 19.* "Linoleum in bath press: floor: 2 portions: front and back portions."

No. 18. Linoleum in bath press: floor: front portion—side nearest door.

"A." Along front upper margin are indefinite areas of staining more or less over the entire surface except for 6" to the immediate right and facing door and for 5" on extreme left in same position. Scrapings were taken and labelled "A." The tests for blood proved inconclusive and an opinion is not expressed. The serological test proved positive and gave indication of the presence of human protein.

"B." On reverse side of this linoleum is an area 13½"×3" which shows dense blackish-red staining, most marked and most dense for the first 5½" on its left side. The large area first described extends from back margin forwards for 3" and the stained area commences 9½" from the left margin of linoleum and ends at a point 13½" from right-side margin facing door from outside. A portion was taken and labelled "B." Microscopic, chemical, and spectroscopic examination proved positive for the presence of mammalian blood. The result of the serological test proved positive for the presence of human blood.

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Note that Article No 18 overlaps Article No. 19 for a distance of 3" and that under surface of No. 18 is superimposed on the front surface of No. 19 for that distance.

*Article No 19.* "Lanoleum in bath press: floor: back portion."

"A" On upper surface and corresponding to large stain on under surface of No. 18, is a stain measuring  $13\frac{1}{2} \times 3$ ". It is fairly dense and of reddish colour. This area of staining corresponds with the area described under Article No. 18. A portion was taken and labelled "A."

"B." There is a stain extending to under surface of front margin measuring  $3\frac{1}{2} \times 2\frac{1}{2}$ " at its broadest and situated  $10\frac{1}{2}$ " from the left-side margin and  $22\frac{1}{2}$ " from right-side margin when viewed from outside of cupboard door. A portion was taken and labelled "B."

In both stains "A" and "B," microscopic, chemical, and spectroscopic tests proved positive for the presence of mammalian blood. The result of the serological test showed that the blood was human in origin.

There is a corresponding stain on underlying floor board of cupboard, lettered (1) of Article No. 20. It is definite 11" in front of back border of this board. The stain here described extends forward for 10" and is  $5\frac{1}{2}$ " broad. Corresponding with the under surface of front margin of Article 19 there is an interrupted but straight line of staining 14" from left-side border of board lettered (1), Article No. 20, and involves the surface of boards lettered (1) and (2) and a portion of board lettered (3). All the staining is from a pale brown to a darkish-brown colour and there is some clotted material present.

*Article No. 20.* "Flooring below."

"A." This consists of four floor boards lettered (1), (2), (3), and (4) from left to right as one faces the cupboard from the outside. No noteworthy staining was present except on boards lettered (1) and (2) where there is a large stained area, dark in colour in some parts and of reddish colour in others. It is irregular in contour and measures  $10 \times 5\frac{1}{2}$ ". The stain passes to the side of board which adjoins its neighbour. The stain begins 11" in front of the back portion of floor board No. (1) and at a point 2" forward from its commencement and seems to have extended over the entire surface of board (2) in the formation of an irregular line the maximum breadth of which is 1"; this at a point 12" in front of back margin of floor board No. 2. A portion was taken and labelled "A." Microscopic, chemical, and spectroscopic tests proved positive for the presence of mammalian blood while the result of the serological test indicated that the blood was of human origin.

*Article No. 23.* "The whole of back boards adjoining back surface of bath."

"A." No obvious staining is present on the front surface. There is an area over  $29\frac{1}{2}$ " on the ground surface which shows irregular reddish-brown staining and extends from the end of board at foot of bath towards the portion of board at the head of the bath. A portion was taken and labelled "A." Microscopic examination together with chemical tests for

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the presence of blood pigment indicated the presence of mammalian blood while the application of the serological test proved that the blood was human in origin.

*Article No. 23a. "Bath and bath fittings entire."*

"A." Outer rim of waste opening: a scraping from all parts was taken and labelled "A." Microscopic examination and chemical tests for the presence of blood pigment indicated the presence of mammalian blood.

"B." Overflow: scraping taken and labelled "B."

"C." Scraping from the junction of hot-water tap and porcelain taken and labelled "C."

"D." Outer surface of bath—under surface of rim, side of bath: scraping taken and labelled "D."

"E." Rim at head of bath: scraping taken and labelled "E."

"F." Scraping taken from under surface inner rim of bath and labelled "F."

"G." Scraping taken from under surface of rim at foot of bath and labelled "G."

"H." Debris from inside waste. a portion was taken and labelled "H."

Examination of the scrapings lettered "B" to "H" inclusive when tested proved inconclusive for the presence of mammalian blood and no opinion is expressed. A mixture of all these scrapings was suitably treated and the serological test was applied, but in view of the likely contamination of soap, the result is not regarded as reliable and therefore no opinion is expressed as to the presence of human protein.

Front side of bath—slab.

"I." Commencing at a point 28" from the edge of the slab at the tap end of the bath, the surface shows numerous streaks of reddish colour somewhat scattered and irregular in their distribution. Six streaks are especially prominent. At a point 14" from the edge at the tap end of the bath there is a further streak. Most of these streaks commence  $8\frac{1}{2}$ " below the upper margin of the slab and extend to within  $1\frac{1}{2}$ " of the lower margin. The majority indicate that the fluid which produced them flowed for a considerable distance from above downwards, in one instance for a distance of 11". In addition there are several smaller stains which give evidence of fairly forcible contact with the surface being inverted soda-water-bottle-shaped, the broadest portions of these stains being directed obliquely downwards. Scrapings were taken and were examined microscopically, chemically, and spectroscopically. This showed the presence of mammalian blood while the application of the serological test proved the blood to be human in origin.

*Article No. 24. "All w.c. woodwork and surrounding wood."*

Woodwork back of w.c.

This is composed of six vertical panels and a basal transverse strap of wood. On vertical panel nearest to bath head at a point 29" below

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upper margin of panel there is an area showing multiple dark brownish-red petal-shaped stains, their bases being for the most part directed towards the bathhead side, the stains running from left to right. Some are almost transverse to the axis of panel and others more oblique. The area measures  $5\frac{1}{2}'' \times 3''$ .

"A." At least 80 discrete spots were counted. These are of dark brownish-red colour and the area is  $4\frac{3}{4}''$  from the upper margin of the transverse wooden strap. A portion was taken and labelled "A."

"B" On surface of the lowest-right corner of this vertical, i.e., the one nearest to the bath head, and in an angle bounded by one side of the right margin of the vertical and the hinged terminal portion of the upper border of the cross strap, is an area of staining  $1\frac{1}{2}'' \times 1''$ . The stains are of the same shape as those described above and are about twelve in number, with their bases directed towards the head of the bath. A portion was taken and labelled "B"

Stains "A" and "B" were submitted to microscopic, chemical, and spectroscopic examination and the results indicate the presence of mammalian blood while the subsequent application of the serological test proved that the blood was of human origin.

Piece of wood between bath and w.c

"C." On painted surface there is a reddish trail or streak measuring  $2\frac{1}{4}'' \times \frac{1}{8}''$  to  $\frac{1}{4}''$  at its broadest portion. It runs from the edge of one painted margin for  $8\frac{1}{4}''$ , situated  $8\frac{1}{4}''$  below one edge of the board and at a point  $5\frac{1}{2}''$  from another edge. It is present on the unpainted portion of the wood as well. A portion was taken and labelled "C." Microscopic, spectroscopic, and chemical examination showed the presence of mammalian blood while the serological test proved that it was of human origin.

*Article No. 41.* "Leather motor coat taken from house of Dr. Ruxton."  
"A."

On left skirt of coat are four separate stains.

- (1)  $2\frac{3}{4}''$  below horizontal seam of skirt and  $3\frac{1}{4}''$  in front of vertical side seam is a dark spotted stain composed of three small spots varying in size from pin head to a millet seed.
- (2) On same level at  $2''$  in front of vertical side seam is a stain  $\frac{3}{4}'' \times \frac{1}{8}''$  similar in colour to the last but showing some clotted material and giving indication that the fluid had run slightly downwards.
- (3) A similar coloured stain  $8\frac{1}{4}''$  down from horizontal seam of skirt and  $3\frac{1}{2}''$  in front of left vertical seam. The stain is about the size of a lentil with its apex pointing downwards.
- (4)  $\frac{1}{2}''$  below this and  $\frac{1}{4}''$  behind it is a similar coloured stain  $\frac{1}{2}'' \times \frac{1}{4}''$  giving indication that the fluid has run downwards and slightly obliquely.

Microscopic examination together with chemical tests and a test to detect the presence of blood pigment proved positive and indicated the presence of mammalian blood. A portion was removed in a special way from



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stain (1) in order to avoid any removal of the leather and was submitted to serological examination which was strongly positive and proved that the blood was human in origin.

*Article No. 46* "Solid matter found at foot and side of bath."

"A." A portion of this was taken and submitted to examination. The results proved inconclusive for the presence of mammalian blood and therefore an opinion is not expressed. The result of the serological test showed the presence of human protein.

*Article No. 49.* "Jacket and trousers recovered from Mrs Hampshire"

*Jacket—right lapel*

On front surface, particularly in upper portion and extending above the level of the buttonhole, are numerous densely stained areas of dark-red colour which extend upwards to the middle portion of the right side of collar.

"A" (1). There is a reddish stain measuring  $7'' \times 4\frac{1}{2}''$  at its broadest part and the corner of the lapel adjoining the upper edge is profusely stained. The general characters are those of smearing, droplet form, and in some cases the fluid seems to have run downwards. A portion was taken and labelled "A."

"B" (2). Inner border of lapel is densely stained and is a brownish-red colour over a distance of  $7''$  upwards commencing at apex of lapel. It is  $1''$  in breadth at its maximum point. A portion was taken and labelled "B."

*Left lapel.*

"C" (3). A reddish stain extends over a distance of  $11''$  from apex of lapel upwards to the level of the buttonhole. The area described contains many smeared reddish-brown stains and over the lower  $6''$  of the lapel is more dense and extends for a short distance on to the inner surface. A portion was taken and labelled "C."

The collar on left side at back is practically immune from staining

"D" (4). The collar on right side shows reddish staining from just above the lapel for a distance of  $4''$  upwards. A portion was taken and labelled "D."

*Front of jacket, right side*

"E" (5). A reddish-stained area occupies the lower corner and measures  $9'' \times 3\frac{1}{2}''$ . This area shows droplet formation, smears, and, in certain instances, gives indication that the fluid has trickled down the fabric, in one case for a distance of  $2\frac{1}{4}''$  and in another for  $2''$ . A portion was taken and labelled "E."

(6). A second group of stains is situated  $3\frac{1}{2}''$  behind the buttonhole and measures  $3\frac{1}{2}'' \times 2''$ . These are of reddish colour.

*Flap of right side pocket*

"F" (7). The inner and outer surfaces of the flap do not show staining, but there is an area of faint reddish staining over the middle portion of

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the outer rim of the pocket normally covered by the flap. A portion was taken and labelled "F."

On the right side of the jacket below the lower margin of pocket, 3" up from the lower margin of the jacket, the cloth has the appearance of having been cut over a distance of  $2\frac{1}{4}$ ". The cut has a slightly wavy contour and a portion of the lining below has also been severed

Front of jacket, left side

"G" (8). The whole front portion of the jacket shows reddish-brown smearing of various degrees of intensity, from the lower border of the jacket up to and including the upper portion of the breast pocket on front. The maximum depth of staining is  $9\frac{1}{2}$ ". A portion was taken and labelled "G."

(9). Side-pocket flap shows staining on outer surface and towards its lower margin. The stain is of decided reddish-brown colour

"H" (10). On the rim of the outer surface of the pocket is a faint reddish-smear stain over the front half of the cloth normally covered by the pocket flap. A portion was taken and labelled "H."

The back of the garment and the shoulders are free from staining

Right sleeve

"I" (11). The outer surface shows stains over a distance of 9" from the lower outer margin of cuff extending upwards. Stains are mostly of faint brownish-smear character except for lowermost  $2\frac{1}{2}$ " of cuff and for a distance of  $3\frac{1}{2}$ " from the front where stain is denser and clotted-like material is present. This area extends across the front fold of the sleeve on to inner surface over the area at the cuff margin, where staining is dense and where it extends on inner surface of cuff opening for a distance of  $\frac{1}{2}$ " in depth and  $2\frac{1}{4}$ " in length. A portion was taken and labelled "I."

On the inner surface of sleeve is a stain  $2'' \times \frac{1}{2}''$  on the left of front seam, 7" up from cuff opening.

Left sleeve.

(12). The outer surface is profusely stained and of reddish colour for 13" from cuff margin upwards and covering most of the outer surface

(13). A marked area of reddish staining is present over outer portion at elbow.

"J" (14). The inner surface shows marked dense brownish staining on back of cuff and at its highest point is 4" above the cuff opening. The staining has passed on to the inside of cuff opening for a distance of  $3'' \times \frac{1}{4}''$ . A portion was taken and labelled "J."

"K" (15). Below this and on lining of sleeve there is a red stain  $1\frac{1}{2}'' \times \frac{1}{4}''$ . It is irregular in outline on the light-coloured sleeve lining. A portion was taken and labelled "K."

Inside of right pocket.

"L" (16). On inner surface of pocket opening close to rim there is an indefinite stain measuring  $\frac{3}{4}'' \times \frac{1}{4}''$  near the middle portion. A portion was taken and labelled "L."

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Inside of left pocket.

(17). There are several smeared stains of reddish colour on the inner surface of pocket opening near rim. Portion "H" previously taken covers part of this surface.

*Trousers*—Right leg, outer surface.

"M" (18). The front  $4\frac{1}{2}$ " of the outer surface of the turn-up show a series of reddish-brown stains some of which are indicative of splashing. Similar stains are also present over the outer half of trouser leg in varying degrees of density and in scattered form for a distance of 18" upward from the opening of trouser leg. A portion was taken and labelled "M."

"N" (19). The outer surface of turn-up on inner surface of leg is copiously and densely stained and of reddish colour over a distance of 6". This staining extends to under surface of turn-up. The staining is present for 15" up from the lower border of turn-up especially in the region of the inner side seam. A portion was taken and labelled "N."

Left leg, outer surface.

(20). The turn-up is practically immune from staining, but there is an area of reddish staining for 3" upwards from the upper margin of the front portion of turn-up. The area is  $2\frac{1}{4}$ " broad.

(21). There is a stain 21" up from turn-up. It commences on the front crease of trousers and passes backwards for a distance of  $5\frac{1}{2}$ ". The largest stain in this area is  $2\frac{1}{2}" \times \frac{1}{2}"$  and a portion lies over the outside seam.

"O" (22). At a point  $1\frac{1}{2}"$  above this stain and  $1\frac{1}{4}"$  in front of side seam there is a faint brownish circular-stained area measuring  $1\frac{1}{2}"$  and to which there is adherent what appears to be some cotton wool. A portion was taken and labelled "O."

(23).  $1\frac{1}{2}"$  above this area is a series of stains running for a distance of 6" upwards and for a breadth of  $4\frac{1}{2}"$  on the front crease of trouser to side seam. Adherent to this area is a small portion of debris which is stained pink and which has the appearance of stained cotton wool. A portion was taken and labelled "P."

(24). In addition, above this and over the middle of the thigh portion there is a small faintly red stain.

Inside left leg.

(25). On inside of turn-up is a reddish stain  $\frac{1}{2}"$  to inner side of front crease and one or two additional stains of indefinite character are present over turn-up on inner side.

"Q" (26). The front two-thirds of inside of trouser leg shows copious staining extending  $1\frac{1}{2}"$  above upper border of turn-up. This involves practically the whole of the surface up to a point 3" below the level of trouser opening. A portion was taken and marked "Q."

Right trouser leg, region of seat

"R" (27). A dark red stain  $1" \times \frac{1}{4}"$  is situated  $\frac{1}{2}"$  to the right of the seam of the seat. A portion was taken and labelled "R."

There is no evidence of staining on the inside of the trouser pockets. Stains lettered "A" to "R" inclusive were examined microscopically,

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chemically, and for the presence of blood pigment and the results gave indication of the presence of mammalian blood. Each of these stains was separately submitted to the serological test and the result in each case proved that each of the stains was composed of human blood.

*Article No. 53.* "Three lengths of carpet and five stair pads recovered from Mrs. Hampshire."

No. 1 length Blue bordered carpet.

"A" (1). At a point 56" from one end of the blue border is an area of darkish-brown staining which covers a distance of 12" and extends on to the inner border of the grey surface. A portion was taken and labelled "A." The tests applied to detect the presence of blood were inconclusive and therefore no opinion is expressed. The application of the serological test gave indication of the presence of human protein.

"B" (2). At a point 7½" along from stain (1) was a similar stain measuring 6"×4" over the blue margin. Stains (1) and (2) apparently penetrate to the reverse side. A portion was taken from (2) and labelled "B." This yielded the same result as in the instance of the previous stain.

No. 2 length. Patterned border with grey centre.

The stains on this carpet are so numerous and some so faint that to describe them in detail would lead to a mass of measurements difficult to follow. The staining generally is of a faint brown colour, commences close to the margin at one end, and throughout is confined almost exclusively to the unpatterned portion of the centre, there being only isolated scattered small stains upon the coloured portion in odd instances. The staining on the unpatterned portion is very marked upon the worn parts of the carpet which are assumed to have been the tread portions.

"A." One of the largest areas of staining measures 6½"×2" and is situated 16" from the opposite end to that first described. A portion was taken and labelled "A." The results of the examination for blood were very inconclusive and therefore no opinion is expressed.

"B." In numerous places areas of staining are seen on the reverse side of the carpet and in some cases correspond with the stains on the patterned surface. A portion was taken and labelled "B." The results of the tests for blood were inconclusive and therefore no opinion is expressed.

"C." In addition four stains from various parts were removed and labelled "C." These were separately examined microscopically, chemically, and for the presence of blood pigment and in two instances were positive to all tests giving an indication of the presence of mammalian blood. A common extract from all the stains upon this carpet was submitted to the serological test with positive result for human protein.

No. 3 length. Patterned border and centre.

"A." At a point 31" from one end and 7" inward from one side margin there is a dark reddish-coloured stain 4"×3" which has penetrated through to the reverse side where there is evidence of some reddish clotted material. A portion was taken and labelled "A."

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"B." 16" farther along from the same end and  $4\frac{1}{2}$ " inwards there is a similar stain  $1" \times 1\frac{1}{2}"$ . A portion was taken and labelled "B."

"C." 17" from the last stain and  $3\frac{1}{2}"$  upwards from one border there is some clotted material about the size of a lentil with the surrounding stain. A portion was taken and labelled "C."

"D." Practically on the same level as above and  $4\frac{1}{2}"$  inward from opposite border is a dark stain measuring  $1" \times \frac{1}{4}"$ . The stain is practically on the margin. A portion was taken and labelled "D."

"E." 4" farther along on the same level as the last stain is a similar stain about the size of a sixpence. A portion was taken and labelled "E."

"F." On the same level, but 8" from above stain, there is a stained area 4" inward from side. It measures  $2\frac{1}{2}" \times 1\frac{1}{2}"$ . A portion was taken and labelled "F."

"G." On same line, but 1" inward from opposite side, there is a stained area measuring  $7" \times 4"$ . A portion was taken and labelled "G."

"H."  $7\frac{1}{2}"$  from above stain is a similar one  $6\frac{1}{2}" \times 1\frac{1}{2}"$  extending to side margin. A portion was taken and labelled "H."

"I." 7" farther along there is a similar stain  $8" \times 4"$  extending to edge of border. A portion was taken and labelled "I."

Reverse side.

This shows copious and extensive staining. The largest area is  $30" \times 10"$ . All stains are of dark colour. The area shows the presence of some clotted material 47" from one end and  $3\frac{1}{2}"$  from side margin. Stains "A" to "I" inclusive were examined microscopically, chemically, and for the presence of blood pigment and in each instance the test was positive, giving indication of the presence of mammalian blood. An extract of each stain was also submitted to the serological test and in each instance a positive result was obtained, but in the case of stains "A," "E," and "H," the presence of soap was suspected and the results of the tests were discarded. In the other instances the extracts appeared uncontaminated and the results gave indication of the presence of human blood.

Five Stair Pads.

"A" (1). There is an area of dense brownish-red staining on one side which measures  $7\frac{1}{2}" \times 2\frac{3}{4}"$ . A portion was taken and labelled "A."

"B" (2). There is an area of dense staining which saturates the material and penetrates to the reverse surface. It is of dark brownish-red colour and in parts a stiffness is to be felt. A portion was taken and labelled "B."

"C" (3). There is a dense reddish-brown stained area covering a distance of  $8\frac{1}{2}" \times 3\frac{1}{2}"$  which has saturated the felt. There is another stain of similar character measuring  $4" \times 3"$  which extends from one margin. On the reverse side is a small reddish-brown stain which has apparently penetrated the felt. On the margin at a point  $1\frac{1}{2}"$  from the side is a similar stain measuring  $\frac{1}{4}" \times \frac{1}{2}"$ . All these stains show varying amounts of clotted material. A portion was taken and labelled "C."

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"D" (4). There are two brownish-red stains on one surface only. One measures  $2'' \times 2\frac{1}{2}''$  and commences at one margin  $3\frac{1}{2}''$  from one end. The other measures  $2'' \times 1''$  and is  $2\frac{1}{2}''$  inward from one margin and is situated  $5\frac{1}{2}''$  from one side margin.

"E" (5). This pad is densely stained on one surface. The stained area measures  $9'' \times 6''$  and covers almost one-half of the felt mat. It has saturated through to the reverse side to the extent of an area of  $3\frac{1}{2}'' \times 2\frac{1}{2}''$ . There is a second area  $1\frac{1}{2}'' \times 1''$  near one side margin and another  $2\frac{1}{4}'' \times 2''$ . There is also a stain measuring  $1'' \times 1''$  and situated  $2\frac{1}{2}''$  from one corner. There is corresponding staining on the reverse side to the extent of  $3'' \times 1''$ . A portion was taken and labelled "E."

The stains lettered "A" to "E" inclusive when microscopically and chemically examined to determine the presence of blood pigment proved positive and indicated the presence of mammalian blood. In addition, an extract from each stain was submitted to the serological test and with the exception of "A," were found positive for the presence of human blood. In the case of "A" it was thought that the extract was possibly contaminated by soap and therefore the result was discarded.

*Article No 54* "One length of carpet and one square of carpet recovered from Mrs. Oxley."

No. 54a "One length of carpet: plain blue edge with grey centre."

"A"  $32''$  from one end is a stain the size of a shilling situated  $2''$  inward from one side margin. The stain is of dark colour. A portion was taken and labelled "A."

"B." At same distance from the same end is a similar stain  $2''$  inward from the opposite margin. A portion was taken and labelled "B."

"C." On grey portion of carpet at a point  $42''$  from one end and  $10\frac{1}{2}''$  from side margin is a stained area measuring  $2'' \times 1''$ . A portion was taken and labelled "C."

Reverse side

"D" (1). There is a stain the size of a sixpence  $1\frac{1}{2}''$  below one side margin and  $3\frac{1}{2}''$  from one end. A portion was taken and labelled "D."

(2).  $43''$  from one end is a stained area  $1\frac{1}{2}'' \times 2''$  situated  $2\frac{1}{2}''$  up from side margin.

"E" and "F."  $12''$  farther along than above stain, is a stain measuring  $1\frac{1}{2}'' \times \frac{3}{4}''$ . The blue outer margin shows more or less continuous areas of dark staining. In some instances there is a brown colour. Portions of stains from each margin were taken and labelled "E" and "F."

Stains "A," "B," "C," "D," "E," and "F" were submitted to microscopic and chemical tests, but with the exception of stain "C" the results proved inconclusive and therefore an opinion is not expressed. In the case of stain "C" the microscopic examination and chemical tests together with the spectroscopic examination gave positive result indicating the presence of mammalian blood. A mixed extract from all the stains was obtained and submitted to the serological test with a positive result showing the presence of human protein.

# Buck Ruxton.

No. 54b. "One square of carpet"

There are numerous dark-coloured stains all over the carpet. Numerous portions were taken for preliminary examination and submitted to chemical tests. Only in two instances were these found to give a positive reaction, viz. :—

"A." An area of staining commencing at a point 7" inward from one side and at a point  $1\frac{1}{2}$ " inward from one end. The stain is indefinite in contour and measures  $1\frac{1}{2} \times 1$ ". A portion was taken and labelled "A."

"B." An area which shows some adherent debris of brownish colour, the size of a sixpence, is situated 9" inward from margin of one end and 24" inward from the opposite side margin to stain "A." A portion was taken and labelled "B."

Stains "A" and "B," when examined for the presence of mammalian blood, gave inconclusive evidence and therefore no opinion is expressed, but a mixture of the extracts from both stains gave positive result to the serological test indicating the presence of human protein. A portion of the debris removed from "B," referred to under stain lettered "B," was suitably treated and an extract was tested serologically with positive result indicating the presence of human protein.

Dr. W. Gilbert Millar received a portion of debris for microscopic examination and we have corroborated his findings described in a report signed by him.\*

*Article No 69.* "Mrs. Ruxton's clothing—brown suede shoes, brown costume, brown three-quarter length coat, 2 white blouses and pair of corsets."

The pair of white corsets showed four stains of reddish colour.

"A" (1). The stain commences  $6\frac{1}{2}$ " above the lower margin and 5" from one edge bearing the eyes, right side on inner surface of garment. It measures  $2" \times 1\frac{1}{4}"$  and is smeared in character. A portion was taken and labelled "A."

(2). A similar stain  $1" \times \frac{1}{8}"$ ,  $\frac{1}{4}"$  nearer eye margin.

(3). A similar stain is present on the same level, but  $\frac{1}{2}"$  nearer the eye margin. It measures  $\frac{1}{4}" \times 1-10"$ .

(4). A similar stain the size of a lentil is present  $\frac{1}{2}"$  above and farther out than stain (3).

Stain (1) was examined microscopically, chemically, and spectroscopically with positive result giving indication of the presence of mammalian blood. The serological test gave positive result and proved the presence of human blood.

*Articles Nos. 97, 98, and 99.* "Paper from bathroom." These were removed by two of us, namely, Professor Glaister and Dr. W. Gilbert Millar, on 22/10/35.

(1). A stain was present on the wallpaper about the built-in seat in the bathroom at a point  $4\frac{1}{2}"$  above the seat level and 5' 1" from the bathroom

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\* See Appendix VIII.

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door. The stain is a dark-red colour and is of inverted soda-water-bottle-shape, about the size of a glass-headed pin

(2). A reddish coloured spot the size of a pin point is situated 5" above the seat level and 3' 2½" from the bathroom door end of seat.

(3). A pin-head stain, reddish colour, is situated on the wallpaper 2' ½" from door end of seat and 5" above the level of seat.

These stains were removed for examination and although the preliminary chemical tests were positive, there was insufficient material for conclusive examination and therefore no opinion is expressed.

*Article No. 105* "Packet containing stair eyes and dust removed from the stairs of house at 2 Dalton Square."

Each of these had been put into a separate container by the Borough of Lancaster Police, numbered in serial order and with indication on each as to whether the stair-rod holder came from the right or left of each step.

The adherent material and the accompanying dust of each were submitted to a preliminary chemical test. The following gave positive result: 1A, 2B, 3A, 4A, 4B, 6A, 7A, 8B, 9A, 13B, 19B, 21B, 22B, 25A. In all instances further tests proved inconclusive for the presence of mammalian blood and no opinion is expressed. In the case of 8B a positive result to the serological test was obtained indicative of the presence of human protein.

*Article No 119.* "Chamber-pot from Miss Rogerson's bedroom" Received from the Fingerprint Department, City of Glasgow Police, on 12/11/35.

This article is coloured brown on the outside and blue in the interior

Outside

"A." On under ledge of rim opposite handle on front there is a dark reddish-brown stain the size of a lentil.

"B." 1" to one side of the first stain is a reddish-black stain the size of a lentil.

"C." On base in front near middle point there is an irregular dark red stain measuring 1½" × ¼" and extending to the bottom rim.

Inside.

"D." There is a small reddish-brown stain the size of a pea on the under surface of the rim at a point 1½" to the right of the mid line.

Top rim, outer surface.

"E." Commencing at a point 1½" to the left of the handle and extending around the rim to a point 7" to the right of the handle are irregularly distributed reddish-brown-smear stains.

"F." The most prominent stain in the above-mentioned area is situated 2½" to the left of the middle line in front

Portions "A," "B," "C," and "F" were examined microscopically, chemically, and spectroscopically with positive result indicating the presence of mammalian blood. An extract from each of the stains "B," "C," and "F" was tested serologically with positive result, proving the presence of human blood. This test could not be applied to stain "A" as there was insufficient material.



# Buck Ruxton.

*Article No. 30b.* "Debris retrieved from drain at bottom of outer back door."

The debris was carefully examined and three small portions of material resembling tissue were retrieved. The measurements of these were as follows:—

- (1)  $2\frac{1}{2}" \times 1\frac{1}{2}"$ .
- (2)  $1\frac{1}{2}" \times \frac{1}{2}"$ .
- (3)  $1" \times \frac{3}{4}"$ .

All were about  $\frac{1}{4}"$  in thickness and showed irregular margins. A portion of material was taken and was suitably prepared for serological examination, the result of which was strongly positive, proving the presence of human protein. The debris was also carefully examined by Dr. W. Gilbert Millar who prepared sections for microscopic examination, the results of which two of us, Professor Glaister and Dr. Martin, have corroborated and which are embodied in his separate report.

*Article No. 31.* "Second sample of debris retrieved from trap at back door."

The debris was carefully examined and four small portions of material resembling tissue were retrieved. The measurements of these were—

- (1)  $1\frac{1}{4}" \times \frac{1}{2}"$ .
- (2)  $1" \times \frac{3}{8}"$ .
- (3) The size of a large pea.
- (4) The size of a small pea.

All were about  $\frac{1}{8}"$  to  $\frac{1}{4}"$  in thickness. A portion of material was taken and was suitably prepared for serological examination, the result of which was strongly positive, proving the presence of human protein. The debris was also carefully examined by Dr. W. Gilbert Millar who prepared sections for microscopic examination, the results of which we have corroborated and which are embodied in his report. The numbers (1), (2), (3), and (4) correspond to letters "A," "B," "C," and "D" respectively in Dr. Millar's report.

*Article No. 34.* "Solid matter retrieved from second trap at back door."

The debris was carefully examined and a small portion of material, the size of a large pea, resembling tissue was retrieved. A portion of the material was taken and suitably prepared for serological examination, the result of which was positive, showing the presence of human protein. The debris was also carefully examined by Dr. W. Gilbert Millar who prepared sections for microscopic examination, the results of which we have corroborated and which are embodied in his report. •

*Article No. 75.* "Trap from waste pipe of bath."

The debris was carefully examined and one piece of material measuring  $1\frac{1}{2}" \times \frac{1}{2}" \times \frac{1}{8}"$  was retrieved.

A portion of the material was taken and was suitably prepared for serological examination, the result of which was definitely positive, proving

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the presence of human protein The debris was also carefully examined by Dr. W. Gilbert Millar who prepared sections for microscopic examination, the results of which we have corroborated and which are embodied in his report.

### OPINION.

As the result of a detailed examination of the material submitted to us, we are of the opinion that—

#### I. The following stains were composed of human blood —

- No 5. " Stair rails and banister." Stains " A " to " K."
- No 7 " Bathroom door " Stain " A."
- No. 8. " Side of seat in bathroom " Stains " A " and " B."
- No. 9 " Linoleum of bathroom seat " Stains " A " and " B."
- No. 9a (2). " Linoleum of bathroom floor " : larger portion. Stain " A "
- No. 12. " Stop of bath."
- No 14. " Woodwork panel of wash-hand basin and woodwork on left of basin." Stains " A " and " D 2."
- No. 15 " Cupboard door in bathroom." Stain " A."
- Nos. 18 & 19 " Linoleum in bathpress : floor : 2 portions : front and back portions " Stains 18 " B " and 19 " A " and " B."
- No 20. " Flooring below." Stain " A."
- No 23. " The whole surface of the back board adjoining back surface of bath." Stain " A "
- No 23a. " Bath and fittings entire " Stain " I," slab on side of bath.
- No 24. " All w.c. woodwork and surrounding wood of it " Stains " A " and " B " Stain " C " from piece of wood between bath and w.c
- No 41. " Leather motor coat found in house of Dr. Ruxton " Stain " A."
- No. 49. " Jacket and trousers recovered from Mrs. Hampshire." Stains " A " to " R " inclusive.
- No. 53. " Three lengths of carpet and five pads."
  - No. 3 length of carpet. Stains " B," " C," " D," " F," " G," and " I."
  - Five stair pads Stains " B " to " E."
- No. 69 " Pair of corsets from Mrs. Ruxton's clothing." The stain examined was composed of human blood.
- No 119 " Chamber-pot from Mary Rogerson's bedroom " Stains " B," " C," and " F " were composed of mammalian blood and serological testing proved that they were composed of human blood.

#### II. The following stains and material contained human protein :—

- No. 3. " Stair rod holders." No. 11 right and left and No. 12 left.
- No. 9a " Linoleum of bathroom floor." (2) Larger portion. Stains " B," " C," and " D."
- No 9b. \* Underneath piece of linoleum in bathroom." Stains " A " and " B."
- No. 14. " Woodwork panel of wash-hand basin and woodwork on left of basin." Stains " B," " E," and " F."

# Buck Ruxton.

- No 18 "Front portion of linoleum, bathroom cupboard." Stain "A."  
No. 30b. "Debris retrieved from drain at bottom of outer back door."  
No 31 "Second sample of debris retrieved from trap at back door"  
No. 34 "Solid matter retrieved from second trap at back door"  
No. 46. "Solid matter found at foot and side of bath." Portion "A."  
No. 53a. No. (1) Length of carpet. Stains "A" and "B."—No. (2)  
Carpet. Common extract of all stains "A"—"C."  
No 54. "One length of carpet and one square of carpet recovered from  
Mrs. Oxley." (a) Length of carpet. Stains "A," "B," "D,"  
"E," and "F"; a common extract from all stains  
No 54b. Square of carpet A mixed extract of stains "A" and "B"  
No 75. "Debris from waste pipe of bath."  
No. 105. Stair rod eyes. No. 8B.

### III. The following stains and material disclosed the presence of mammalian blood :—

- No 23a. "Bath and fittings entire." Debris from waste opening-bath,  
lettered "A."  
No. 53 "Three lengths of carpet and five pads." No. (2) Carpet. Two  
portions of group "C."—No (3) Carpet. Stains "A," "E," and  
"H."—Stair pads. Stain "A"  
No. 54. "One length of carpet and one square of carpet recovered from  
Mrs. Oxley." (a) Length of carpet Stain "C."  
No 119. "Chamber-pot from Mary Rogerson's bedroom." Stain "A."

(Sgd.) JOHN GLAISTER, M.D., D.Sc., &c.,  
Regius Professor of Forensic Medicine,  
The University, Glasgow.

(Sgd.) W. GILBERT MILLAR, M.B., Ch B.,  
Lecturer in Pathology and Assistant in Forensic  
Medicine, The University, Edinburgh.

(Sgd.) F. W. MARTIN, M.D.,  
Assistant, Department of Forensic Medicine,  
The University, Glasgow

20th November, 1935.

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## APPENDIX V.

### ANATOMICAL REPORT \*

On Thursday, 10th October, 1935, I was asked by Professor Glaister to examine the skull and limb bones which had been provisionally assigned to Body No 2 of remains found in Gardenholme Ravine, Moffat, and to report on their probable sex

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\* Report (slightly abridged) supplied and edited by the courtesy of Professor J. C. Brash. For further extended information on this subject see *Glaister and Brash* "Medico-Legal Aspects of the Ruxton Case," Livingstone, 1937.

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After examination and measurements, I reported that in my opinion they were "probably female"

At a later date I was asked to examine the whole of the remains, and to report on the relation of the various parts to each other, their assembly in the reconstruction of the bodies from which they came, on the evidence of the sex, age, and stature of the bodies so reconstructed, and on any special anatomical features that might assist in their identification.

### THE PARTS SUBMITTED FOR EXAMINATION

The following is a list of the parts submitted to me for examination :—

Two (2) heads, each with portion of neck attached

Two (2) trunk portions

- i. An *upper portion* with both scapulæ and clavicles attached and including a complete thoracic skeleton; the sternum, with the greater part of the costal cartilages was separate, as it had been detached by the pathologists at the post-mortem examination by the usual method of cutting through the costal cartilages.
- ii A *lower portion*, including a complete skeleton of the pelvis.

Fifteen (15) limb portions, all representing complete segments of limbs divided at the main joints.

The parts submitted to me for examination were all those that contained bones, and I have had opportunities from time to time to examine all the other remains, consisting of soft parts only, in relation to anatomical questions that have arisen. A varying amount of soft tissues (muscles, &c.) was found attached to the bones, some of the limb portions being complete with skin. It has been necessary in the course of my examination to remove some parts of these soft tissues, and also to detach certain skeletal parts and to clean some of them. All the main limb bones and parts of the skulls have thus been more or less separated from the flesh during the course of the examination.

I have identified all the parts examined as human remains, and have submitted them to anatomical and radiographic (X-ray) examination.

### THE ASSEMBLY OF THE PARTS IN THE RECONSTRUCTION OF TWO BODIES

A preliminary examination established two important points :—

- i. There was no primary evidence that more than two bodies were represented in these remains.
- ii. The general features and proportions of the segments of limbs and of the contained bones so far as they could be examined at the time, were consistent with their having belonged to two bodies only.

The general features of the two heads were so markedly different that they could be recognized at a glance; it was therefore convenient to designate them as Head No. 1 and Head No 2, and to take them as the basis for the assignment of the other parts in the reconstruction of a Body No. 1 and a Body No. 2.

# Buck Ruxton.

## 1. *Reconstruction of a Complete Trunk.*

The upper trunk portion had attached to it two (2) scapulæ and two (2) clavicles which form part of the skeleton of the upper limbs. The separate sternum with attached costal cartilages fitted precisely in position to complete the thoracic skeleton. This trunk portion contained two (2) cervical vertebræ, twelve (12) thoracic vertebræ, and two (2) lumbar vertebræ.

The lower trunk portion contained three (3) lumbar vertebræ and the complete skeleton of a pelvis.

Taken together the number of thoracic and lumbar vertebræ in the two trunk portions is normal.

I have fitted the two trunk portions together by the articulation, in the lumbar region, of the lower vertebra of the upper portion with the upper vertebra of the lower portion.

I have examined the relation of the two portions to each other when thus fitted together, and in my opinion there is no doubt that they belong to the same trunk, and that no part of the vertebral column is missing between them. The trunk has been divided by cutting through the intervertebral disc between the second and third lumbar vertebræ and disarticulating these vertebræ, an operation of some difficulty on account of the manner in which the two pairs of articular processes interlock. When the portions were placed together these vertebræ articulated perfectly with one another, and the series of five lumbar vertebræ thus reconstituted appeared normal in all points that could be examined without removing the adhering soft parts. On examination of the articular processes it was found that the right pair (lower of the second lumbar vertebra, upper of third) were complete, but that each of the corresponding left pair had been damaged. The tip of the left lower articular process of the lower vertebra of the upper portion (second lumbar vertebra) had been broken off, and a corresponding piece was found *in situ* in the concavity of the left upper articular process of the upper vertebra of the lower portion (third lumbar vertebra) in exactly correct position for articulation of the two broken surfaces when the portions are placed together. A part of the front of the left upper articular process of the upper vertebra of the lower portion (third lumbar vertebra) had been partly cut off (nearly level with the cut surface of the intervertebral disc) and partly broken off above this level; a corresponding piece was found attached to the left lower articular process of the lower vertebra of the upper portion (second lumbar vertebra) by a tag of ligament of the capsule of its joint, and could easily be replaced in position so as to come opposite the broken part of the other articular process when the portions of trunk were placed together.

Before removing these small pieces to determine whether they fitted precisely to the corresponding broken surfaces, the region of the union of the two portions of the reconstructed trunk was submitted to X-ray examination, by my assistant, Dr. E. Ll. Godfrey, under my direction. Two radiographs (Nos. 1 and 2) were taken with the two portions held in position.

These radiographs show that

- i. five (5) lumbar vertebræ are present, two (2) in the upper part, three (3) in the lower part;

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- ii. the bodies of the upper two match perfectly the bodies of the lower three in fine anatomical detail including the texture of the bone;
- iii the articular processes of the second and third vertebræ in the reconstituted series are exactly congruent and match the pairs of articular processes above and below;
- iv. the transverse processes of the vertebræ are in a series exactly similar in shape and relative size to those of the normal series of five lumbar vertebræ;
- v. the broken surface of the left lower articular process of the second lumbar vertebra comes into almost exact congruity with the broken surface of the piece in the concavity of the left upper articular process of the third lumbar vertebra (Radiograph No. 1 shows an exact junction of the two broken surfaces; radiograph No 2, which was taken with the two parts in slightly different relative position, shows them on the same level but not exactly opposed).

The junction of the cut and broken surface of the left upper articular process of the third lumbar vertebra with the other separate piece is not clearly seen in the radiographs because the separated piece is very thin and the line of junction is obscured by other parts.

After the X-ray examination had been completed, the lower vertebra of the upper trunk portion (second lumbar vertebra) was removed in order to facilitate closer examination of the relation of the small broken-off pieces of bone to the broken surfaces which they seemed to fit. The broken-off pieces were then themselves removed in order to examine minutely the relation of the corresponding broken surfaces.

I found that the fractured surface of the piece taken from the concavity of the left upper articular process of the upper vertebra of the lower portion of trunk (second lumbar vertebra) fitted precisely the fractured surface of the left lower articular process of the lower vertebra of the upper trunk portion (third lumbar vertebra) so as to complete that articular process.

The fractured and cut surfaces of the small separate piece removed from its attachment to the lower vertebra of the upper trunk portion were found on examination to be set at an angle a little greater than a right angle to each other, and the piece could not be fitted so as to complete entirely the cut and broken deficiency in the left upper articular process of the upper vertebra of the lower portion. The fractured surface, however, was found to fit precisely to a part of the fractured surface of the articular process so as to complete its upper rim and to leave a deficiency below it. It was further determined, from a close examination of the marks of a knife on the bone, as highly probable that at least three cuts had been made in this region. The first had cut through and then broken off the tip of the articular process which remained attached to the vertebra above; the second had taken off another piece of the articular process which had become detached and lost; the third had cut through the strong elastic ligament joining the laminae of the vertebræ on the inner side of the articular process and had finished in the stout base of the articular process where the mark of the knife still remains.

# Buck Ruxton.

The precise fitting of the broken off portions of bone, one taken from each trunk portion and fitting respectively broken surfaces of the other portion, conclusively confirms the opinion already expressed on other grounds that the two trunk portions belong to the same body. (Photographs Nos. 1 and 2.)

It may be mentioned in further confirmation that dissection revealed the presence, on the right side of the reconstructed trunk, of a psoas minor muscle. This muscle is inconstant, being found in about 50 to 60 per cent. of bodies. When present it is usually bilateral. On the right side of the reconstructed trunk the fleshy upper end of a psoas minor is still present on the upper portion, and the thin tendinous insertion is present on the lower portion. Owing to the destruction of tissue at the site of separation, there is no continuity between these two parts, but there is no trace of a psoas minor muscle on the left side on either portion.

## 2 *Assignment of One of the Heads to the Reconstructed Trunk.*

It has been noted already that there were two (2) complete cervical vertebræ (sixth and seventh) attached to the upper part of the trunk. Attached to Head No 1 there were found to be four (4) complete cervical vertebræ (first to fourth) and a small part only of the fifth (portions of the upper part of the body on the right side and of the right upper articular process which had evidently been cut off from the rest of the fifth obliquely, probably by a knife).

Attached to Head No. 2 there were found to be five (5) cervical vertebræ (first to fifth) complete except a very small portion which had evidently been shaved off by a knife from the under surface of the left transverse process of the fifth. As the normal number of cervical vertebræ is seven (7), and there is no sign of any abnormality of any of the cervical vertebræ concerned, either on the trunk or on either of the heads, it seemed probable that Head No. 2 might prove to belong to the trunk rather than Head No. 1. If Head No 2 proved not to fit, then the proof that Head No 1 belonged to the trunk would have to be indirect.

As the greater part of the fifth cervical vertebra is missing, it is therefore not possible to articulate Head No 1 to the trunk and thus to express an opinion after simple direct anatomical examination, as in the case of the two parts of the trunk itself, whether the head and the trunk are parts of the same body. From the point of view of my examination, the assignment of Head No. 1 to the trunk as parts of the same body, would have to depend on (1) whether the features of the four cervical vertebræ attached to the head, and especially of the fourth, are consonant with their having formed part of a series of seven with the two (sixth and seventh) attached to the trunk, the features of the fifth in the series being unknown except by inference; and (2) whether the age and other features of the skull are consonant with its having formed part of the same body with the trunk and the limbs that might be fitted to it

In order to facilitate the examination of the relation of the cervical vertebræ of the two heads to the cervical vertebræ attached to the trunk, the

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former were removed from the respective heads and each set kept at first in one piece united together by ligaments and muscles. The removal was performed at my request and in my presence by Dr. W. G. Millar who was then engaged in dissecting out other parts of the neck for examination. Since their removal from the respective heads these cervical vertebræ have been continuously in my custody, and I have been responsible for the identification of each set as belonging respectively to Head No. 1 and Head No. 2. There is no possibility of confusion arising between the two sets of cervical vertebræ. Those belonging to Head No. 2, although subsequently cleaned by maceration, have remained throughout the examination and still remain attached to each other by the intervertebral discs and portions of ligaments, with the exception of the first cervical (atlas) vertebra. At a subsequent stage of the examination the four (4) vertebræ taken from Head No. 1 were completely separated from one another and completely cleaned by maceration, but they are all easily identified in sequence by anatomical features. In each case the proper set of vertebræ can be fitted to the heads from which they were taken without possibility of error, since the dimensions of the first (atlas) vertebræ are very different in the two sets and these dimensions are reproduced in the parts of the skulls with which they articulate.

As the fitting of Head No. 2, with the cervical vertebræ belonging to it, to the trunk would complete the proper number (seven) of cervical vertebræ, the first object of my examination was to see whether there was any evidence that made the fitting of No. 2 impossible. As in the case of the two trunk portions, I brought the two parts together by articulating the lower vertebra of the No. 2 set with the upper vertebra of the two attached to the trunk. I found on examination that they seemed to fit together very well in all the details that could be examined at that stage.

The complete composite cervical region was then X-rayed (Radiograph No. 3); and after a certain amount of dissection and cleaning of the adjoining vertebræ in order to display the margins of the bones, two photographs were taken of the general relation of the cervical vertebræ removed from Head No. 2 to the trunk when fitted together—one from the front and one from the back. (Photographs Nos. 3 and 4)

Thereafter, in order to facilitate further detailed examination, the two cervical vertebræ attached to the trunk were removed in one piece, and, after the removal of certain parts to which reference will be made presently, this piece and the piece containing the five cervical vertebræ removed from Head No. 2 were cleaned by maceration in order to display clearly in detail the characteristics of all the bones. During this process the two cervical vertebræ removed from the trunk have remained attached to each other by the intervertebral disc and portions of the ligaments uniting them, and still remain so attached, so that there is no possibility of confusing them (quite apart from their characteristic anatomical features as sixth and seventh cervical vertebræ, and their easily demonstrated relation to each other and to the first thoracic vertebra on the trunk) with any of the other vertebræ.



# Buck Ruxton.

In my detailed examination of all these parts thus prepared I have found no evidence of incompatibility of the cervical vertebræ removed from Head No 2 with those removed from the trunk. On the contrary, I have found such detailed evidence that they form a normal series of seven cervical vertebræ that there is no doubt that they belong to the same body. That evidence is as follows :—

I. When the parts were first fitted together there was a general appearance of anatomical harmony between them, a harmony that became more pronounced and more suggestive to the trained eye when the bones had been cleaned and their individual characteristics displayed. The general impression thus gained was that there was nothing in the features of the seven cervical vertebræ taken together to suggest that they did not belong to the same body.

II. The features of the bones as shown by X-rays before any removal of soft tissues (Radiograph No 3) are entirely consistent with all the vertebræ having belonged to the same neck. The radiograph shows (a) that seven (7) cervical vertebræ are present, five (5) in the upper part removed from Head No 2, and two (2) attached to the trunk; (b) that the bodies of the upper vertebræ match the bodies of the lower two in anatomical detail including the texture of the bone, so that they appear to be in regular and proper sequence; (c) that the articular processes of the fifth and sixth vertebræ in the reconstituted series are exactly congruent and match in proper anatomical sequence the pairs of articular processes above and below; (d) that the transverse processes of the vertebræ are in a series exactly similar in relative width to those of a normal series of seven cervical vertebræ.

For comparison on these points I have included in the radiographs one of a normal series of cervical vertebræ from an anatomical subject (female, aged 53). (Radiograph No. 4.)

III. Examination of the cut and torn surfaces of the remains of intervertebral disc attached to the upper and lower surfaces respectively of the bodies of the sixth and fifth vertebræ in the reconstituted series showed that their features were reciprocal. These surfaces are shown in Photograph No. 5, and after they had been examined and photographed those parts of intervertebral disc were carefully removed as completely as possible and preserved separately, as they would have been destroyed by the process of cleaning by maceration. On each surface there were portions of the fibro-cartilage, which constitutes the bulk of the intervertebral disc, projecting as would readily occur after a period of post-mortem softening followed by formalin preservation. Under these circumstances no exact fit could be expected, but to each piece there was a corresponding depression on the part attached to the other vertebra. On the surface of the fifth vertebra towards the left side there was an oval piece of cartilage which had evidently been cut off close to the surface of the bone of the next vertebra in series—an intervertebral disc consists of two layers of cartilage, one next the body of each of the vertebræ joined, and a mass of varying size of fibro-cartilage, soft in the centre, sandwiched between them; the cervical intervertebral discs are relatively thin compared with those of other regions. On the surface

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of the sixth vertebra at an exactly corresponding position there was an oval depression where the cartilage had been removed so that the bone could be seen at the bottom of the depression. These features, though not conclusive owing to the state of the parts, make it highly probable that the portions adhering to the two vertebræ are parts of the same intervertebral disc which had been partly cut and partly torn through in an irregular manner.

IV. Adhering to the back of the remains of the intervertebral disc attached to the fifth cervical vertebra removed from Head No 2 there was a tag of ligament (posterior common ligament of the vertebral bodies) about 10 mm long—an approximate measurement because of the elastic nature of the ligament in question—which had been partly cut and partly torn off from the back of the intervertebral disc and of the vertebral body below it in series. Examination of the corresponding region of the upper vertebra attached to the trunk (sixth cervical) showed no such tag, but instead a tear on the face of the posterior common ligament extending down over the back of the body of the vertebra for about the same distance. Into this tear the tag of ligament on the fifth vertebra could be approximately fitted. The appearance of the tag and tear which it fits can be readily explained by the knife which severed the intervertebral disc in an irregular manner having failed to cut through the ligament completely so that a tag was torn off when the vertebræ were separated.

V. It has been stated already that the under surface of the left transverse process of the fifth vertebra had been slightly damaged, probably by a knife cut. The damage consisted in the cutting off of the downward projecting point of the anterior bar of the transverse process (the transverse processes of cervical vertebræ consist of two bars of bone anterior and posterior, with a foramen between them). Attached in a corresponding position to the tissues surrounding the upper vertebra of the trunk (sixth cervical), I found a small separate pyramidal piece of bone with a surface apparently cut by a knife, looking upwards. I removed this piece of bone and found that it fitted precisely so as to complete the downward projecting tip of the anterior bar of the left transverse process of the fifth vertebra, so that it appeared exactly similar to the corresponding part on the other side. (*Note.*—A little below the level of the attachment of this piece to the left side of the sixth cervical vertebra, and below the level of the cut surface on the fifth when they are placed together, there is a horizontal knife cut in the upper left articular process on the sixth.)

VI. The general fitting together of the fifth and sixth vertebræ was entirely consistent with their having belonged to the same neck, and occurred with the same degree of exactitude as the fitting together of any normal pair of fifth and sixth cervical vertebræ.

VII. The corresponding surfaces of the bodies of the fifth and sixth vertebræ fitted together in a manner determined by the characteristic shape of cervical vertebræ, that of the fifth fitting exactly into the side to side concavity of the sixth and overlapping the sixth in front in characteristic fashion.

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VIII. There is a double foramen in the right transverse process of the sixth cervical vertebra instead of the usual single foramen (Photograph No. 5). The two foramina are situated one behind the other—the larger one in front transmitting the vertebral artery, the smaller one behind a vein. In the right transverse process of the fifth vertebra there is also a double foramen, the larger and smaller foramina being in corresponding position to those in the sixth. In both vertebræ on the left side the foramen is single. "Double foramen" is not uncommon in the transverse process of the sixth cervical vertebra, but much less common in that of the fifth. When present in the fifth there is a high probability that it will be present also in the sixth.

IX. The maximum distance between the corresponding articular processes of the fifth and sixth vertebræ is exactly the same, so that they come together in the same congruent manner as the pairs of articular processes above and below.

X. The surfaces of the corresponding right and left pairs of articular processes of the fifth and sixth vertebræ have exactly reciprocal contours. Those of the right pair are plane, as is invariably the case until signs of ageing appear in the skeleton. On the left side the surface of the lower articular process of the fifth vertebra is slightly convex behind where it fits into a concavity on a backward extension of the surface of the upper articular process of the sixth vertebra. Such reciprocal variations in contour of the surfaces of pairs of articular processes and extensions backward of upper articular surfaces are highly characteristic of cervical vertebræ of mature and ageing persons. Other examples are found in the series of vertebræ separated from Head No. 2, notably in the case of the right second/third articulation and both right and left third/fourth articulations.

XI. The spines of the series of vertebræ are related to one another in shape and size as the spines of a normal series of cervical vertebræ from the same neck usually are. In particular the spine of the fifth vertebra has the usual length in proportion to that of the sixth, and when these vertebræ are brought close together it fits over the spine of the sixth in a normal manner although it is itself slightly asymmetrical, the right part of its bifid end being smaller and more depressed than the left part.

XII. On the lower border of the right lamina of the fifth vertebra there is a small tubercle which fits into a slight depression on the posterior surface of the right lamina of the sixth vertebra near its upper border when the vertebræ are brought close together. Such reciprocal relation of excrescence on one lamina and depression on the one below, as in the case of extensions and variations in contour of articular processes already mentioned, are characteristic of cervical vertebræ from the necks of mature or ageing persons. Another example is found in the series of vertebræ separated from Head No. 2 between the left laminae of the third and fourth vertebræ.

XIII. "Lipping" of the edges of the articular surfaces (*i.e.*, a heaping up of the bone to form a sort of collar around them) is present in very definite degree at the right sixth/seventh articulation. Lipping of exactly similar appearance and comparable degree is also present at the edges of the

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articular surfaces of the right second/third, the right and left third/fourth articulations, and in slighter degree at other articular surfaces of the vertebræ removed from Head No 2. Such lipping is common in the cervical vertebræ of mature and ageing persons; it is a slowly progressive condition which may affect other parts of the cervical vertebræ and merges into the pathological condition known as osteo-arthritis. The presence of lipping of comparable appearance and degree on the vertebræ attached to the trunk and on those belonging to Head No 2 is corroborative of other evidence that they belong to the same body and is itself a factor in arriving at an estimate of age.

XIV. A series of measurements of the cervical vertebræ removed from Head No 2 and from the trunk are consistent with their having belonged to the same body.

The cumulative effect of all these pieces of evidence in my opinion makes it impossible to doubt that Head No. 2 belongs to the same body as the reconstructed trunk.

This conclusion is further confirmed by negative evidence from the examination of the four cervical vertebræ removed from Head No. 1. They are in general much smaller and of more slender build than those removed from Head No. 2, and although it is not possible to make a direct comparison by attempted articulation with those removed from the trunk (since on the hypothesis that they belong to the same neck the fifth in the series is missing) there is no difficulty in deciding that their size is not consonant with their having belonged to the same body.

The fifth cervical vertebra of a control series is a very good fit to the sixth cervical vertebra removed from the trunk; but when they are placed in series with these three it is evident that the cervical vertebræ removed from Head No. 1 are too small. Several fifth cervical vertebræ have been tried with the same result, and I am of opinion that it is not possible to find a fifth cervical vertebra to fit the sixth cervical vertebra from the trunk below, and the fourth cervical vertebra from Head No. 1 above.

These points are further demonstrated by X-raying (1) the series of seven vertebræ from Head No. 2 and trunk combined; (2) the six cervical vertebræ from Head No 1 and the trunk with a gap between for the absent fifth; (3) the same vertebræ with the fifth from the control series inserted. (Radiograph No 5) The trained eye will at once recognize that the first of these is a true anatomical picture, and that the other two are not.

### *3. Assignment of Limbs to the Reconstructed Trunk.*

A preliminary examination of the fifteen (15) portions of limbs made it at once evident from general characters and dimensions that two sets of limbs, each containing two upper limbs and two lower limbs (but incomplete in certain respects) were present. The articulation of upper arms and forearms at the elbow joints, and of thighs and legs at the knee joints was a simple operation admitting of no doubt as to the correct assembly of the individual limbs.

The patellæ (knee caps) of the "shorter set" (see below) were present

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*in situ*, on the right side held in proper relation to the femur by the remains of flesh and skin, on the left side by the complete covering of flesh and skin.

Two other separate patellæ were found attached to separate portions of flesh and skin, identified as coming, one from the front of a right thigh, the other from the front of a left leg. These patellæ were fitted respectively to the right and left femora of the "longer set."

The right and left upper limbs, and the right and left lower limbs were easily matched in pairs from their general characters and the dimensions of the bones; and, before the assignment of one set of these assembled limbs to the trunk, upper limbs were also matched to lower limbs—on the very strong probability that the limbs came from not more than two bodies—by their relative dimensions and the measurements of the bones of the individual segments. The assignment of the assembled limbs to two sets is entirely confirmed by subsequent detailed evidence of age, and of measurements made for the diagnosis of sex and the estimation of stature.

The sets of limbs so assembled, and the individual bones thereof, were so manifestly different in length that it is convenient to refer to them as the "shorter" and the "longer" sets of limbs until the evidence of assignment to the reconstructed trunk has been stated. The outstanding deficiencies, apart from variations in the amount of skin and flesh left on the parts of the limbs, were that the "shorter set" lacked a right forearm and hand; and that the "longer set" lacked both feet (removed at the ankle joints) and had both hands mutilated, the terminal segments of both thumbs and two segments of all the fingers being absent, having been removed at the joints.

The hip joint and the shoulder joint, though both of the "ball and socket" variety, are very different in their detailed construction. The "socket" on the scapula which receives the head of the humerus at the shoulder joint is very shallow and the functional socket is completed by the overhanging acromion and coracoid processes of the scapula with a strong ligament between them. Owing to the general state of the parts, and in particular to the facts that the left scapula was badly fractured in that region and that the coraco-acromial ligament had been cut and torn on both sides, it was clear that proof of assignment of one or other of the pairs of humeri to the trunk, in spite of the fact that there was an obvious difference in the size of their heads, would depend on careful dissection and adjustment of the parts.

The hip joint is very different. There is a large socket (acetabulum) in the hip bone, deepened and narrowed at its entrance by an encircling elastic fibro-cartilaginous lip, which receives and retains by perfect adaptation the head of the corresponding femur. The entrance of a smaller femoral head would obviously not exclude the possibility that a larger one might enter; but the entrance of a larger head would at once exclude the possibility that a head, smaller by even a fraction, could belong to that joint.

The ligaments of the right hip joint of the reconstructed trunk had been more damaged than those of the left; indeed, the entrance to the cavity of

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the left hip joint was very narrow as the ligaments had been cut well beyond the lip of the acetabulum, and the head of the femur obviously pulled out by force. The two right thigh bones (femora) were therefore first tried to see which would fit the right hip joint socket. The heads of the two femora were obviously different in size (Photograph No. 6). The smaller (of the femur belonging to the shorter set of limb bones) easily slipped into the socket and was as easily withdrawn; but with a little manipulation the larger head (of the femur belonging to the "longer set" of limb bones) could also be made to enter the socket, with which it appeared to be in perfect harmony. This fact at once excluded the possibility that the femur of the "shorter set" of limb bones could belong to that hip joint and the trunk; but did not in itself prove, although it made it a very strong probability, that the femur of the "longer set" did so belong. It was still possible, though very improbable, that the trunk might belong to a third body of which the limbs were entirely missing.

After the fitting of the other limbs of the "longer set" to the trunk had been investigated as detailed below, the remaining ligaments around the right hip joint of the trunk were dissected away, and the head of the longer femur again fitted into the acetabulum, when it again appeared to be a perfect fit. After suitable preparation a gelatin cast of the acetabulum was then made by myself. It was left *in situ* overnight, during which time very slight shrinkage would take place, and after its removal from the socket, the maximum vertical diameter of the cast (corresponding in shape to the head of a femur) was measured by calipers with a vernier scale and found to be 44.3 mm. Similar measurements of the diameters of the head of the longer right femur on each side of its "vertical axis" (which naturally alters its position in relation to the vertical axis of the acetabulum during movements of the joint) were found at the time to vary from 44.3 to 45 mm.

The cartilage covering the head of the femur and lining the bottom of the acetabulum had both been soaked and then subjected to formalin preservation; and in my opinion the correspondence between these measurements, taken with the fact that no diameter of the smaller femoral head could be found that was less than three (3) mm. smaller than the diameter of the gelatine cast, makes it certain that the femur of the "longer set" of limbs belongs to the reconstructed trunk. As it was found necessary later to remove and to clean the right hip bone, permanent plaster casts (negative and positive) of the acetabulum were made (by John Mackenzie, under my direction) for comparison with the femoral head. The left acetabulum still remains intact.

With some difficulty, owing to the state of the ligaments already mentioned, the head of the left "No. 2" femur (as it may now be called) was manipulated into the left acetabulum and also appeared to be a perfect fit.

The fitting of the "No. 2" humeri at the corresponding shoulder joints of the trunk was now justifiably expected; but was nevertheless proved in detail. The ends of cut ligaments and of the tendons of muscles which

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surround the shoulder joint were carefully dissected out on each side, both the longer ends around the shallow sockets on the scapulæ and the shorter ends on the humeri. These and in particular the cut ends of the tendon of the supraspinatus muscle enabled me to orient the head of the humerus in each case. On the left side the broken parts of the scapula had to be held together where they had sprung apart; and it was then found that there was just room, as in the natural condition of the parts, for the head of the humerus below the acromion of the scapula. On the right side the adaptation of the head of the humerus to its composite socket was more easily demonstrated. There was found to be a better fit of the ends of the supraspinatus tendon than on the left side, portions of the lubricating "bursa" between the capsule of the shoulder joint proper on the top of the humerus and the under surface of the acromion were still in position and came together as the head slipped under the acromion; and the two ends of a partly cut and partly torn tendon of the long head of the biceps muscle (which runs over the top of the humerus through the shoulder joint to gain attachment to the scapula) one attached to the scapula, the other to the humerus, came naturally together. The heads of the "No 1" humeri were found to be too small to fit properly at the shoulder joint of the trunk.

There is therefore in my opinion no doubt, independently of other evidence, that the two humeri of the "longer set" of limbs belong to the same body as the reconstructed trunk.

## 4. *Summary of Opinions Expressed on Reconstruction of Body No. 2.*

I. The two portions of trunk fit together in the lumbar region; and it is proved by detailed evidence that they form parts of the same body.

II. Head No 2, with five cervical vertebræ attached, fits to the reconstructed trunk, with two cervical vertebræ attached; and it is proved by detailed evidence that the cervical vertebræ as a whole form a complete series which must have come from the same body. It is also independently proved that the four cervical vertebræ attached to Head No. 1 could not have formed part of a series from the same body as the two attached to the reconstructed trunk.

III. The fifteen portions of limbs having been assembled to form two sets of limbs designated the "longer" and the "shorter" sets, it is proved that the heads of the femora of the "longer set" fit the hip joints of the pelvis of the reconstructed trunk, and that the heads of the humeri of the "longer set" fit the shoulder joints of the reconstructed trunk. This assignment is corroborated by the fact that the heads of the femora and of the humeri of the "shorter set" of limbs are too small to fit the hip and shoulder joints of the reconstructed trunk.

## 5. *Constitution of the two Reassembled Bodies.*

*Body No. 1* (Photograph No. 7) is represented so far as skeleton is concerned by

*Head*, with four (4) cervical vertebræ and a fragment of a fifth attached.

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*Upper Limbs* : right and left "free portions" (excluding shoulder girdles, i.e., scapulæ and clavicles) with the exception of right forearm and hand

*Lower Limbs* : right and left complete. (The parts corresponding to the shoulder girdle belong to the pelvis which is usually reckoned as part of the "trunk" which is missing.)

There is no *direct* evidence that these parts all belong to the same body, since the trunk is missing. But

- i they remain after the reconstruction of Body No. 2;
- ii. the limbs form a consistent "shorter set";
- iii. the general features of the head are not inconsistent;
- iv. the parts of the Report that follow on sex, age, and stature show that the features of skull and limb bones are entirely consistent with having belonged to the same body.

*Body No. 2* is complete, so far as skeleton is concerned, with the exception of both feet and the mutilation of the fingers of both hands (Photograph No. 8)

6. *Parts Missing (apart from Soft Tissues and Mutilation of Hands of Body No. 2).*

*Body No. 1* : Trunk with scapulæ and clavicles of both the upper limbs; right forearm and hand.

*Body No. 2* : Both feet.

*Note.*—Since this report was drafted, a left foot has been found (28/10/35) disarticulated at the ankle joint, and I have determined that it fits exactly to the left leg bones of Body No. 2; and (4/11/35) a right forearm with hand disarticulated at the elbow joint, which I have determined fits exactly the right upper arm of Body No. 1. The Parts now missing are therefore

Body No. 1 : Trunk.

Body No. 2 : Right foot.

### OPINION AS TO ANATOMICAL KNOWLEDGE EVIDENCED BY MANNER IN WHICH THE BODIES HAD BEEN DISMEMBERED

I have examined carefully the sites of separation of the trunk into two parts, of decapitation, and of removal of the limbs, and am of opinion that the person who performed these operations must have had knowledge of the position of the joints and of their construction. The separation of parts is without exception through joints and has been performed without exception with a knife; there is no evidence of the use of a saw. In general the disarticulations have been performed with such a degree of damage to articular cartilages and intra-articular structures as may be expected when a person with ordinary anatomical knowledge of the joints is working in haste. The damage is very much less than would be inevitably caused by a person with no anatomical knowledge who succeeded in severing all the parts concerned through the joints without recourse to a saw. With the exception of fractures of the left scapula and the lower end of the left femur of



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Body No 2 (on the origin of which I do not state any opinion) it consists of slight damage to the articular cartilages of the ends of the bones of the limbs, and the damage to vertebræ already detailed.

## REPORT ON BODY No. 1. (SEX : AGE : STATURE.)

### *Sex.*

In the absence of the pelvis from which, with or without organs of sex, the sex of the individual can be diagnosed with certainty, opinion as to the sex of Body No 1 has been based upon the examination of soft parts either attached to the skeleton or separate, and upon the examination of other parts of the skeleton.

1. *Soft Parts.*—The greater part of the scalp was attached to the skull, and there was evidence that an abundant covering of hair had recently been cut short in a very irregular manner.

A considerable portion of skin was present over the right cheek and extending down to the chin at the middle line; no sign of male beard could be detected.

The rounded contours of the limb portions, which with the exception of the right thigh were covered by flesh and skin, had the typical female appearance due to proportion of muscle and thick subcutaneous fat.

The larynx was very small even for a female.

There were *three* separate mutilated breasts present among the separate portions of soft tissues

Portions of *two* vulvæ (external sex organs of the female) were present among the separate portions of soft tissues

I am of opinion that these facts by themselves taken in conjunction with the fact that there is no evidence of the presence of more than two bodies one of which, reconstituted as Body No 2, is manifestly female from the presence of female sex organs in the pelvis, prove that Body No 1 is also female.

2. *Skeleton.*—The parts of the skeleton, apart from the pelvis, upon which reliance may be placed in the diagnosis of sex are the skull and the limb bones. An opinion may be expressed on general anatomical appreciation of the characters of the bones, and on the results of measurements of the limb bones (in relation to the known range of sex differences in such measurements) especially of the humerus and the femur.

### (a) *General anatomical appreciation.*

(1) *The Skull.*—Secondary sex characters are so well marked in the skull that I can express without any hesitation the definite opinion, that it is the skull of a female. The characters by which a skull is judged to be female are mainly negative; in general it retains more of the characters of the skull of the adolescent person of either sex, and does not show the features of heavier build and stronger muscular markings that develop in the male skull at and after puberty. It is important therefore to note in this connexion the opinion expressed on the age of Body No. 1 in the next section of the

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Report, as this skull is in my opinion of an age by which the characteristics of the male would be already well developed.

The most important features in the diagnosis of sex are found in the region of the forehead and in the occipital and mastoid regions; and they are so clearly defined in this skull that in my opinion no one with any experience of the differences between the male and female skull could doubt that it is female.

(2) *The Limb Bones*.—The same general characters are consistently displayed by all the limb bones assigned to Body No. 1. They are short, slender bones, with ill-defined muscular markings, which without hesitation I would diagnose as female. Relatively small size of the articular (epiphyseal) ends of the main limb bones is an important female sex character. Anatomical inspection alone suggests female sex from the size of the heads of the humeri and the femora; but these characters are better submitted to measurement.

### (b) *Measurements*.

Although there are sex differences in the average measurements of skulls and in the average values of certain cranial indices, these are unreliable in assessing the sex of a single specimen. Measurements of the limb bones on the other hand are more reliable and indeed conclusive if within a certain range in assessing the sex of an individual. The two most important bones for this purpose are the humerus and the femur

*Humerus*.—The size of the head of the humerus is a significant sex character. According to Dwight the average vertical diameter of the head in the male is 48.7 mm. and in the female 42.6 mm.; the average transverse diameters, 44.6 mm. male, 38.9 mm. female. The boundary between male and female lies, according to Dwight, between 45 and 46 mm. for the vertical diameter, and between 41 and 42 mm. for the transverse diameter.

The following measurements of the heads of the humeri of "Body No. 1" (with cartilage in position) clearly indicate female sex.

		Vertical.	Transverse.
Right humerus, head,	- - - -	42.4	38.9
Left humerus, head,	- - - -	41.9	39.5

*Femur*.—An exact method of "sexing the femur," based on mathematical data, is due to Pearson.

The sex is determined by giving marks according to the value of certain measurements. Below "−2" is "male." Above "+2" is "female." "0" to "−2" is "male?" "0" to "+2" is "female?"

The measurements of the femora of Body No. 1 were taken with the bones wet and cartilages in position. Without allowance for cartilage, the "score" for these femora is at least "+7" which leaves no doubt of their female sex.

*Opinion*—The characters of the skull and the characters and certain measurements of the long bones leave no doubt, as judged from the bones alone, that Body No. 1 is female.

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## Age.

The estimate of the probable age of Body No. 1 is based mainly on the examination of a complete series of radiographs (X-rays) of the limb bones, with the help of radiographs of the skull, on the direct examination of sections of the ends of certain bones and on the direct examination of the state of union of the joints of the skull (sutures of the vault and the cartilaginous joint of the base).

All the epiphyses of the limb bones are either united or in the last stage of union. The sites important for the estimation of age which show lack of complete union of epiphyses are the wrists and the knees. The age signs in the limb bones are in accord with those in the skull, and confirmation is obtained from radiographs showing unerupted wisdom teeth.

*Opinion.*—From the evidence thus supplied, I am of opinion that the age of Body No. 1 *certainly* lies between eighteen (18) years and twenty-five (25) years; and that the evidence points to a *probable* age between twenty-one (21) and twenty-two (22) years.

## Stature.

The probable stature of Body No. 1 has been calculated by the use of Pearson's formulæ for the reconstruction of stature from the lengths of the long bones. The diagnosis of female sex has been taken into account and the formulæ for reconstruction of female stature, which differ from those for male stature, have been employed. The following table gives the lengths which have been employed :—

		Right.	Left.
Humerus,	- - - - -	288 0 mm.	285.0 mm.
Radius,	- - - - -	206 5	204.0
Femur,	- - - - -	405 5	404.5
Tibia,	- - - - -	326 0	325.0

The results of separate calculations from nine different formulæ for the calculation of stature as corpse from measurements of the bones, in a wet condition with articular cartilages attached, are in close accord.

From each result an amount of 2 cm falls to be deducted to arrive at the probable living stature.

The best formula, using the lengths of femur, tibia, humerus, and radius, gives a living stature of 149.5 cm. It must, however, be noted that, as Pearson emphatically points out, the formulæ are accurate only for the calculation of the average stature of a large number of individuals, and that the estimate of the stature of a single individual can only be approximately accurate. Pearson states that the reconstruction of the stature of a single individual is subject to error which is not sensibly less than 2 cm. The living stature of Body No. 1 therefore probably lay between 147.5 cm. (4 feet 10 inches) and 151.5 cm. (4 feet 11½ inches).

## REPORT ON BODY NO. 2. (SEX : AGE : STATURE.)

### Sex.

There is no doubt whatever about the sex of Body No. 2, since the recon-

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struction shows that it includes a pelvis with a portion of the sex organs *in situ*. It is not therefore necessary to give any detailed report on the question of sex; but it may be useful to record a short statement for comparison with the longer statement about the sex of Body No 1, since, as stated at the beginning of the report, I had already arrived at a conclusion from examination of the head and limb bones that the sex was probably female, before I was asked to examine the whole of the remains.

(1) *Soft Parts*—The general argument, stated in the Report on Body No. 1, from the presence of female parts from at least two bodies, implies that Body No. 2 was also female. In addition there was evidence from a small portion of skin which remained on the right cheek and also from the contours of certain of the limb portions.

(2) *Skeleton*—(a) *General Anatomical Appreciation*—There is no doubt that the general features of skull and limb bones are to some extent equivocal in the diagnosis of sex from these alone. The skull and limb bones are of heavier build than those of Body No. 1 and it was only by an assessment of the balance of characters that a diagnosis of probable female sex could be made. In other words, the skeleton of Body No. 2 tends in a number of respects towards the male type.

(b) *Measurements*.—Measurements of the humeri and femora, as in the case of Body No 1, give a more certain indication. From such measurements, in conjunction with the anatomical appreciation, I would feel justified, if it were necessary, in diagnosing Body No 2 as of doubtful sex but probably female.

### *Age.*

The estimate of the probable age of Body No. 2 is based on the same series of observations as in the case of Body No. 1 (page 416). Radiographs of the limb bones, of the skull, of the vertebral column, of the thorax and of the pelvis have been taken and examined. In addition there has been direct special examination of sections of the ends of certain limb bones, of the state of union of the joints of the skull, and of the right hip bone which has been removed and cleaned. This bone has provided confirmatory evidence of the presence in the skeleton of certain changes which occur in the bones of mature and ageing persons, to which reference has already been made in an earlier part of this Report (para. XIII, p. 408). There is also evidence of the same ageing process in radiographs which show calcification of the thyroid and cricoid cartilages of the larynx, and ossification of the costal cartilages.

*Opinion*.—From X-ray and direct examination of the limb bones, the age must be at least twenty-five (25) years.

Detailed examination of the state of closure of the sutures of the skull, confirmed by other observations, leads to the conclusions that the age is certainly not under thirty (30) years, certainly not over sixty (60) years, and very probably not over fifty (50) years. On the balance of all the evidence,

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I am of opinion that the age probably lies between thirty-five (35) and forty-five (45) years, and that it is not possible to make a more exact estimate.

## Stature.

The probable stature of Body No. 2 has been calculated in the same way as that of Body No. 1 (p. 416).

The following table gives the lengths of the limb bones which have been employed :—

		Right.	Left.
Humerus,	- - - - -	323 0 mm	323 0 mm
Radius,	- - - - -	233.0	232 5
Femur,	- - - - -	431.0	431.0
Tibia,	- - - - -	340 0	340 0

The stature as corpse has been calculated from nine different formulæ, and an amount of 2 cm. deducted to arrive at the probable living stature.

The best formula, using the lengths of femur, tibia, humerus, and radius gives a living stature of 155 2 cm.

Allowing the probable margin of error as stated on page 416, the living stature of Body No. 2 therefore probably lay between 153 2 cm. (4 feet 11½ inches) and 157.2 cm. (5 feet 1½ inches).\*

(Signed) J C. BRASH, M D., F.R.C S Ed,  
Professor of Anatomy, University of Edinburgh.

Edinburgh, 18th November, 1935.

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## APPENDIX VI.

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### REPORT ON SPECIAL INVESTIGATIONS OF FEATURES THAT MAY ASSIST IN IDENTIFICATION.†

#### I. RELATION OF FORM AND SIZE OF FEET OF BODY NO. 1 AND BODY NO 2 TO PAIRS OF SHOES SUPPLIED

*The shoes.*—Two pairs of shoes have been received from the Chief Constable, Lancaster, labelled respectively

- (1) "1 pair of shoes belonging to Mrs. Ruxton found in cupboard in back kitchen."
- (2) "Mary Rogerson's shoes found in left bedroom."

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\* The actual measurement of Body No. 2 when reconstructed was proved to be about 5 feet 4½ inches (see p. 181) This corresponds to a probable living stature of about 5 feet 3 inches.

† Report (slightly abridged) supplied and edited by the courtesy of Professor J. C. Brash. For further extended information on this subject see *Glaister and Brash "Medico-Legal Aspects of the Ruxton Case,"* Livingstone, 1937.

## Appendix VI.

*Models of the Feet.*—Under my direction, casts of the left foot of Body No. 1 (present with the remains originally found) and of the left foot of Body No. 2 (found on 28th October, 1935) have been prepared by John Mackenzie, modeller.

He has prepared for each (1) a master cast; (2) a piece mould; (3) two copies of flexible material (gelatin, glycerin, and zinc oxide)

Casts in the flexible material used tend to shrink slightly through time, but the master cast and the piece moulds in plaster will remain approximately constant. Careful measurements have been made of (1) the two feet; (2) the two master casts; (3) the flexible copies; (4) corresponding inside dimensions of the shoes. Further measurements of the flexible copies are being made from time to time, and it is, of course, possible to make new copies from the piece moulds at any time.

The casts of the left foot of Body No. 1 were made exactly as it was found, except for the removal of loose epidermis. Owing to the mutilation of the left foot of Body No. 2 by a slash across the sole and the subsequent softening of the tissues, it was necessary to fill up the resulting gap in the sole of this foot with modelling clay before making a cast. In each case some allowance must be made for the state of the feet when found and their subsequent preservation in formalin. Some shrinking must have taken place through decomposition and subsequent hardening by formalin.

*Comparison of Casts and Shoes.*—I have compared the flexible casts with the left shoes by fitting or attempting to fit them (covered by a silk stocking) into each of the shoes with the following results:—

(1) The cast of the left foot of Body No. 1 is manifestly much too small for the left shoe of Mrs. Ruxton, but it enters and fits well the left shoe of Mary Rogerson, allowance being made for the pointed form of the shoe. The greatest transverse measurement of the foot fits exactly the corresponding measurement of the shoe. The foot shows a moderate degree of "hallux valgus" and the projecting part of the base of the great toe on the inner border of the foot fits well into the concavity of the shoe.

(2) It is possible to force the cast of the left foot of Body No. 2 into the left shoe of Mary Rogerson, but in my opinion this would not be possible, owing to the length of the foot, if it had not been mutilated by the removal of the terminal segment of the great toe, and portions of the other toes. When the cast is thus forced into the shoe of Mary Rogerson, it is obvious that it is an exceedingly tight fit from side to side. The same cast, however, enters and fits well the left shoe of Mrs. Ruxton, due allowance being made again for the shortness of the cast owing to the mutilation of the toes, and the fact that loss of substance through mutilation of the sole has had to be made good with clay.

Foot No. 2 shows a considerable degree of "hallux valgus." The tissues over the projecting part of the base of the great toe on the inner border of the foot have been removed; nevertheless, the greatest transverse diameter of the foot fits well the corresponding measurement of the shoe, and the pro-

# Buck Ruxton.

jecting part of the base of the great toe fits reasonably into the concavity of the shoe.

*Opinions*—I state the following opinions on the basis of these observations.—

(1) Foot No. 1, on the evidence of the shoe stated to have been worn by her, could not possibly have belonged to Mrs Ruxton.

(2) Foot No 2, on the evidence of the shoe stated to have been worn by her, could not possibly have belonged to Mary Rogerson

(3) Foot No. 1 is of the same general form and size as the left foot of Mary Rogerson, as evidenced by her shoe

(4) Foot No. 2 is of the same general form and size as the left foot of Mrs Ruxton, as evidenced by her shoe.

It may be thought advisable to have the opinion of an orthopædic or a footwear specialist on this matter but in any case I state my opinion that even demonstration of exact fitting of feet to shoes would not constitute evidence of "identity," but would be circumstantial evidence only

## II. RELATION OF SKULLS OF BODY NO 1 AND BODY NO 2 TO ENLARGED PORTRAITS SUPPLIED

Preliminary inspection and measurements of the skulls made it evident that whereas the cranial parts of the skulls are very similar in general size and shape—measurements and indices correspond closely—the facial parts of the two skulls are very different in actual size and in proportions.

*Portraits.*—Four enlarged photographs have been supplied to me, two of them stated to be portraits of Mrs Ruxton and two stated to be portraits of Mary Rogerson

I have labelled these, for the purpose of this investigation

"Mrs. Ruxton      Photograph A "

"Mrs Ruxton      Photograph B."

"Mary Rogerson. Photograph C."

"Mary Rogerson      Photograph D."

I have been told that these enlargements were prepared by Mr Thomas, photographer, Lancaster, and that he took the original of Photograph A

Photograph A is a studio portrait, half-right profile, with clear details.

The others are enlargements from small (amateur?) photographs

In Photograph B (left profile) the nose and teeth are well seen but details about the eye are obscured; the outlines of the hair, and by inference of the scalp, are indicated by the outline of the hat.

In Photographs C and D the outlines are partly obscured by hair; the nose and mouth are well seen but not the teeth There is some doubt in each, owing to the size of the enlargements, about the upper limit of the hair, and the exact position of the chin

*Size of Enlargements.*—The photographs supplied are stated to be approximately life size I have checked this statement in the following ways

Photograph A: I have taken measurements of the actual tiara worn by

## Appendix VI.

Mrs Ruxton when photographed, and find that vertical measurements exactly correspond to measurements of the same parts in the photograph. I therefore conclude that Photograph A is approximately actual life size

Photograph B : I have compared facial measurements in this photograph with the same measurements in Photograph A and find them to correspond I therefore conclude that Photograph B is approximately actual life size.

Photographs C and D : There is no such direct means of checking the size of Photographs C and D, but on my suggestion the place where Photograph C was originally taken has been re-photographed with a measuring stick in position by Mr Thomas in the presence of Dr W. G. Millar. Certain measurements were taken at the same time by the local surveyor Dr Millar has made calculations by which the scale of the original of Photograph C can be approximately determined. This scale has been used to calculate the apparent stature as the original photograph is a full length; and I have independently checked the relation of apparent head size (without hair), so calculated, to the real stature, as calculated from the lengths of the limb bones, and have found them to correspond closely. I have come to the conclusion in this way that the head in Photograph C is approximately life size, but am of opinion that an exact determination is not possible. The main difficulty in this determination arises from the facts that the merging of the hair on the top of the head into the background is a little obscure, and that the line of the chin is in shadow. The difference, if any, from life size cannot, however, be great enough to interfere with a judgment of the relation of the proportions of the head to the proportions of the skull.

The full vertical height of the head including hair in Photograph D is exactly the same as the same vertical height of the head in Photograph C.

*Outlines of Portraits*—I have outlined the salient features in each of the Photographs (A, B, C, D) with indian ink and have transferred these outlines to linen tracing paper.

*Photographs of Skulls.*—I have suitably prepared both skulls by removal of soft parts by dissection in order to record by photography the corresponding salient features

Photographs of each skull have been taken in the same positions as the heads in each of the four portraits.

The orienting of the skulls before being photographed has been done in the following manner. Each skull has been mounted within a cubical metal frame in a holder, fixed to one side, enabling the skull to be rotated in three planes

Photograph A : It has been possible by taking the transverse measurements of the tiara and the corresponding apparent measurements on the portrait to calculate the angle of rotation of the head in the latter; and both skulls were mounted at this angle with a protractor on the top of the frame

Photograph B : Both skulls were set up in left profile.

Photograph C : Both skulls were set up full face.

Photograph D : Both skulls were set up half-left profile and slightly tilted to the right.



# Buck Ruxton.

After the primary orientation of the skulls, further orientation of each was then carried out by placing the outline of the corresponding portrait on the viewing screen.

Outlines of the salient features of the skulls were made with indian ink on prints of the skull photographs and then transferred to linen tracing paper.

*Superimposition of Outlines*—On each of the portrait and skull outlines two points were marked: (1) "Nasion" (root of nose) and (2) "Prosthion" (lower margin of upper jaw between central incisor teeth). These marks are exact in the skull outlines, approximate in the portrait outlines, the "prosthion" being more exact in the latter than the "nasion".

The corresponding transparent outlines of portraits and skulls were then superimposed by means of the "prosthion" marks and the lines from these to the "nasion" marks. It was immediately clear that the proportion of face to cranium and the proportions of the face itself made it impossible for the outlines of Skull No. 1 to fit the portraits of Mrs. Ruxton, and for the outlines of Skull No. 2 to fit the portraits of Mary Rogerson.

The corresponding outlines of Skull No. 1 and of portraits C and D were then drawn superimposed on the same sheets; and the corresponding outlines of Skull No. 2 and of portraits A and B were drawn superimposed on the same sheets. The "prosthion" marks being superimposed in each case, in no case did the "nasion" marks fall more than two (2) mm. apart.

The corresponding outlines of Skull No. 1 were similarly superimposed on the outlines of Photographs A and B, and the corresponding outlines of Skull No. 2 on the outlines of Photographs C and D. Owing to the fact that the cranial parts of the skulls are very similar, and the manifest disproportion of the facial parts, the latter series of superimpositions were made with the nasion points coinciding, in order to make the comparison clear.

*Photographic Superimposition.*—The last procedure was to superimpose corresponding negative photographs of Skull No. 1 and of Skull No. 2 upon positive copies of Portraits C and D and of Portraits A and B respectively. Registration of these was determined by transferring registration marks from the superimposed tracings to the positives of the skulls and the negatives of the portraits. Each of these was then photographed on X-ray film, these films were superimposed by the registration marks, and then re-photographed.

*Opinions.*—Very definite conclusions are to be drawn from comparison of the superimposed outlines of skulls and portraits. In my opinion they demonstrate primarily

(1) that Skull No. 1 could not possibly be the skull of Mrs. Ruxton.

(2) that Skull No. 2 could not possibly be the skull of Mary Rogerson.

But since in the comparison of Skull No. 1 with the portraits of Mary Rogerson and of Skull No. 2 with the portraits of Mrs. Ruxton, the correspondence of features of the skulls to features on the portraits, with due allowance for the relative thickness of soft parts in different regions (outline of skull and face; position and form of orbit; position, size and outline of nose; position and size of mouth; relation of teeth to sockets in

## Appendix VI.

the case of Skull No 2) is as close as I would expect to obtain if given the skull and portraits of a known person to deal with in the same manner, and since there is no single point of discrepancy in any of the four comparisons which cannot be easily explained by the inherent difficulties of the technique, in my opinion it is further demonstrated

(3) that Skull No. 1 *might* be the skull of Mary Rogerson; and

(4) that Skull No. 2 *might* be the skull of Mrs Ruxton

I wish, however, emphatically to state my definite opinion that this evidence does *not* constitute evidence of identity. In the absence of knowledge of minute significant differences in the relation of skull to head in persons with heads of the same size and same general type, and in view of our lack of experience in the technique of comparing skulls with portraits, the evidence, however striking the superimposed outlines and photographs may appear, must be taken on the same basis as the evidence provided by the fitting of the casts of the feet to the shoes. It may nevertheless be of value as circumstantial evidence.

*Assistance in Technique.*—The whole of the photographic work entailed in the preparation of this part of my Report, with the exception of the making of the original enlargements and the part taken by my assistant, Dr. E. Ll. Godfrey, specified below, has been carried out under my direction by Detective-Constable Thomas S. Stobie, Photographic Department, Edinburgh City Police. All the photographs have been taken with a Hunter-Penrose process camera with a 16-in. Cooke process anastigmat lens. The camera, when set, automatically takes any object actual size when it is in focus. I have personally tested the accuracy of the camera and the personal factor of Detective-Constable Stobie by asking him to focus a strip of millimetre paper 100 mm. long, and have found it to measure exactly 100 mm. on the focusing screen, as measured by another strip from the same sheet. I also asked him to place it *obviously* out of focus in each direction and found that the maximum error was 2 mm, *i.e.*, two per cent. In photographing the skulls, I asked him to focus on the edges of the orbits, and parts of the skulls in planes behind the orbits will therefore be slightly smaller than actual size; but this very small difference doubtless corresponds to a similar difference in the making of a portrait

Dr. E. Ll. Godfrey assisted me in the orientation of the skulls, and was also responsible for the loading, times of exposure, and the developing of the X-ray films which were used in the preparation of negatives of the portraits and positives of the skulls for re-photographing by transmitted light superimposed as positives and negatives respectively.

*Illustrations.*—The complete series of photographs with the original superimposed outlines on linen tracing paper have been mounted in a separate book labelled "Photographs and Tracings illustrating Professor Brash's Report on the Comparison of Portraits and Skulls."

(Signed) J. C. BRASH, M.D., F.R.C.S.Ed.,  
Professor of Anatomy, University of Edinburgh.

Edinburgh, 18th November, 1935.

# Buck Ruxton.

## APPENDIX VII

### RADIOLOGICAL REPORT

ERNEST LLEWELLYN GODFREY says—

I am a Bachelor of Medicine, and a Fellow of the Royal College of Surgeons of Edinburgh, and hold the Diplomas in Public Health and Radiology. I am an Assistant to the Professor of Anatomy at the Edinburgh University and I reside at 21 Minto Street, Edinburgh.

(1) On 7th October, 1935, and during the immediately succeeding weeks, instructed by Professor Brash, I radiographed certain human remains which constitute the basis of the Professor's report in this case. The specimens were submitted to X-ray examination, radiographs being taken in every instance.

The apparatus used throughout the investigation was a 10 K V. single-valve unit by Dean, London, the tube a 6 K W. water-cooled sharp focus tube. I was personally responsible for the exposing and developing of all the films taken.

The initial principal purpose of the examination being the determination of age, my attention was mainly directed to the presence or absence of epiphyseal lines (*i.e.*, the areas of longitudinal growth in a bone) and, in addition, to the presence or absence of pathological changes. With this in view I made a survey of such sites as from experience are known to be valuable in this connexion; in general these may be stated to be the ends of the long bones, the skull, vertebræ, and pelvis.

On completing the films I referred the radiographs to Professor Brash whose report I have read. I am in complete agreement with the interpretation he has put upon the radiographs and concur in his opinions as expressed in that report so far as they are based on the radiographic evidence.

(2) On Professor Brash's request I rendered certain assistance to him in the orientation and photographing of the two skulls stated by him to belong to "Body No. 1" and "Body No. 2."

In this connexion I was responsible for the exposing and developing of all the duplitized X-ray film used.

(3) I have further to report that there was submitted to me by Professor Sydney Smith the left foot of Body No. 2.

Two radiographs of the foot were taken. The main features exhibited by the radiographs are—

(a) Absence of the terminal phalanx of the great toe, of the 2nd and 3rd phalanges of the four lateral toes, and of the heads of the 1st phalanx of the 3rd and 5th toes. The phalanges have been removed by disarticulation, while the heads have been fractured off.

(b) The 1st phalanx of the great toe is deviated laterally which deviation is consistent with a state of hallux valgus.

(c) The mesial aspect of the head of the 1st metatarsal is the site of a considerable exostosis.

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(d) A double lateral sesamoid is present at the head of the 1st metatarsal

These appearances, in my opinion, indicate that this is the foot of a person who suffered from a moderate degree of hallux valgus and who had an exostosis on the mesial side of the head of the 1st metatarsal

(Sgd.) ERNEST LL GODFREY,  
M.B., F R C S (E.), D.P.H., D.R.

Edinburgh, 18th November, 1935

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### APPENDIX VIII MICROSCOPIC REPORT.\*

WILLIAM GILBERT MILLAR states—

I am a Bachelor of Medicine, Bachelor of Surgery, and Lecturer in Pathology at Edinburgh University.

The full details of the results of the examination of the remains found at Gardenholme Linn, Moffat, made by Professor Glaister, Dr. Martin, and myself are contained in the joint report signed by us †

I have, in addition, taken portions of certain of the remains and after sections had been cut have subjected them to microscopic examination. The parts taken for microscopic examination were as follows:—

#### *Body No. 1.*

- (1) A portion from the edge of a lacerated wound on the crown of the head. Labelled "lacerated wound from scalp, Head 1."
- (2) A portion of the right tonsil. Labelled "Tonsil, right"
- (3) A portion of the left tonsil. Labelled "Tonsil, left."
- (4) A portion from an area suggestive of bruising on the right upper arm. Labelled " ? bruise, right upper arm "
- (5) A portion from the upper wound of dismemberment of the left leg near the knee joint. Labelled accordingly
- (6) A portion from the upper wound of dismemberment of the left leg near the knee joint. Labelled accordingly
- (7) A portion from the upper wound of dismemberment of the left thigh near the hip joint. Labelled accordingly.
- (8) A portion from the upper wound of dismemberment of the right upper arm near the shoulder joint. Labelled accordingly
- (9) A portion of a small discoloured area on the right forearm thought to be possibly a birthmark. Labelled " ? nævus, right forearm "
- (10) Tongue (two specimens)

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\* Report reproduced and revised by the courtesy of Dr. W. Gilbert Millar, M.B., Ch.B.

† See Appendix III.

# Buck Ruxton.

## *Body No. 2.*

(1) A portion of the outer surface of the left lung including a small reddish area thought to be a hæmorrhage. Labelled "A. Petechiæ, left lung."

(2) A portion of the substance of the left lung Labelled "B. Left lung. Posterior."

(3) A portion of the substance of the left lung. Labelled "C Left lung Anterior."

(4) A portion of the outer surface of the right lung including a small reddish area thought to be a hæmorrhage. Labelled "D Petechiæ Right lung."

(5) A portion of the main air tubes to the left lung. Labelled "F Left main bronchus"

(6) A portion of the main air tube to the right lung. Labelled "F. Right main bronchus."

(7) A portion of the substance of the lower lobe of the right lung. Labelled "G. Right base."

(8) A portion of the substance of the upper lobe of the right lung. Labelled "H. Right upper lobe"

(9) Two portions of different parts of a mass of tissue thought to be thymus gland. Labelled "I. Thymus."

(10) Scrapings from the socket of a tooth thought to have been fairly recently extracted. Labelled "Scrapings from tooth socket. No. 2."

(11) A portion of the gum from the edge of the same socket. Labelled "Gum."

(12) A portion from the edge of the lowest stab wound in the thorax. Labelled "Thorax."

(13) A portion of a narrow strip of skin at the edge of the chin. Labelled "Chin skin. No. 2."

(14) A portion from the upper wound of dismemberment of the left forearm near the elbow joint. Labelled accordingly.

(15) A portion from the upper wound of dismemberment of the right forearm near the elbow joint. Labelled accordingly

## *Remains not allocated.*

(1) A portion of one of a pair of female breasts. Labelled "Q. Breast."

(2) A portion of the other of a pair of female breasts. Labelled "R. Breast."

(3) Portion of a third female breast. Labelled "Third breast."

(4) Portion taken from near the middle of the wall of a womb. Labelled "N. Uterus, posterior wall below fundus."

(5) Another portion of the wall of the womb taken from a higher site. Labelled "Uterus, fundus."

(6) A portion of an ovary. Labelled "O. Ovary."

(7) A portion of the other ovary. Labelled "P Ovary."

## Appendix VIII.

The results of my microscopic examination are as follows :—

### *Body No. 1.*

“ Lacerated wound from scalp.”—There is evidence of some congestion of vessels, but no extravasation of blood into the surrounding tissue was seen.

“ Right tonsil and left tonsil ”—Both showed definite evidence of old inflammatory changes.

“ ? bruise, right upper arm.”—There is definite extravasation of blood into the loose tissues of the part. The blood corpuscles are still recognizable in spite of the laking due to post-mortem changes.

“ ? bruise, left upper arm.” Condition is the same as in the previous section, namely, definite extravasation of blood.

The dismemberment wounds of left leg, left thigh and right arm in no case showed any evidence of vital reaction.

“ ? nævus, right forearm.”—No evidence of capillary nævus was seen.

“ Tongue.”—This showed very definite bruising low down in the right side and extending forwards to the tip and across the middle line. In addition to the extravasation of blood there was a quite marked infiltration of polymorph leukocytes indicating that injury had occurred probably an hour or two before death.

### *Body No. 2.*

All sections of the lungs showed definite congestion of the blood vessels. There was a fair amount of soot present both free and in cells indicating fairly recent exposure to a smoky (town) atmosphere. In a few places there was some aggregation of eosinophil leukocytes about the smaller bronchi, such as is sometimes seen in cases of asthma. Here and there the air spaces contain what appear to be red blood cells, but a positive opinion on this point is precluded by post-mortem changes.

“ A. Petechiæ, left lung ” and “ D. Petechiæ, right lung.”—These two sections show essentially similar appearances. In each there are small rounded masses of pink-staining material lying just under the pleural covering and resembling small blood vessels. In each case there is evidence of the presence of the same pink staining material in the tissue immediately surrounding these apparent vessels so that the total appearance is strongly suggestive of small hæmorrhages, the blood having undergone post-mortem change.

“ E. Left main bronchus ” and “ F. Right main bronchus.”—Both show essentially similar changes. There is some calcification of the cartilages and slight but definite congestion of some of the small blood vessels of the bronchial wall.

“ I. Thymus.”—The sections show the presence of definite thymus gland tissue.

“ Scrapings from tooth socket ” show no evidence of the existence of any healing process.

“ Gum ” shows no evidence of vital reaction.

“ Thorax ” shows no evidence of vital reaction.

# Buck Ruxton.

"Chin skin" shows only a few hair follicles and these of small size  
None of the dismemberment wounds showed any signs of vital reaction.

*Remains not allocated.*

"Q Breast" shows very little secretory breast tissue and much fibrous tissue

"R. Breast"—Rather more breast tissue is present than in "Q," but the organ is distinctly fibrous, and there is a suggestion that it may be commencing to undergo involution

"Third breast."—There is a good deal more secretory breast tissue in this specimen than in the previous specimens. Apart from this nothing noteworthy was seen

"N Uterus Posterior wall below fundus" and "Uterus, Fundus"—Both sections show the development of a moderate quantity of elastic tissue around many of the blood vessels such as occurs after childbirth. A number of smaller vessels appear to have been obliterated This is also known to occur after childbirth No evidence of the presence of the products of conception were seen.

"O Ovary and P. Ovary"—Both organs were fibrous and showed no obvious germinal follicles Involuting corpus luteum was present in section  
"O"

After my examination, the sections were submitted to Professor Sydney Smith, Professor Glaister and Dr. Martin who also examined them

(Sgd.) W GILBERT MILLAR

20th November, 1935.

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## APPENDIX IX

### REPORT BY PROFESSOR SYDNEY SMITH ON MEDICAL EXAMINATION OF THE REMAINS FOUND AT GARDENHOLME LINN \*

SYDNEY SMITH says—

I am a Doctor of Medicine, Fellow of the Royal College of Physicians, I hold the Diploma of Public Health and am Regius Professor of Forensic Medicine at the University of Edinburgh. I reside at 10 Oswald Road, Edinburgh

I certify that acting upon instructions received from H J Vann, Esq, Chief Constable of Lancaster, I have made an examination of the human remains taken in connexion with the above case and which were identified in my presence by Dr. Millar in this Department. •

I have made an investigation of these remains individually, and have, with Professor Brash, examined the parts and the radiographs made therefrom and have reconstructed, as far as we were able from the parts, two

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\* Report supplied and edited by courtesy of Professor Sydney Smith, M.D., F.R.C.P., D.P.H.

## Appendix IX.

bodies I have made a pathological examination of all the material in conjunction with Professor Glaister and Dr. Gilbert Millar, and have examined the teeth and casts with Mr. Hutchinson.

Disregarding for the moment the large number of portions of skin, fat and muscle, the remainder of the material is found to be the remains of two human beings, and there are no recognizable parts present which suggest the possibility of there being more than two human beings.

The parts consist of two heads, with portion of neck attached; one thorax, with both scapulæ and clavicles attached and including the sternum; one pelvis; and seventeen portions of limbs, details of which I have appended to this report. Included with the chest, but removed from it prior to my examination, were two lungs, a heart and thymus gland; and in connexion with each head, a tongue with the larynx and hyoid bone attached. I also examined amongst the soft parts a uterus, two specimens of external female genital organs and three female breasts.

The presence of these breasts and female organs of sex indicates that the parts are those of at least two females.

The reconstruction of the bodies was carried out with Professor Brash, and I have satisfied myself that the bodies are those of two females, one comparatively young, the other about middle age.

### Body No 1.

In the younger body, which we may call Body No. 1, we have the head and portion of the neck and the four limbs only, the whole of the trunk being missing, as well as both scapulæ and clavicles. Their age, appearance, measurements and anatomical details show that these parts belong to one body.

*Sex.*—The skull is a typical female skull; the bones of the limbs are typical female bones, and, even apart from the presence of the organs of sex in the soft parts found, there can be no doubt that these remains are those of a female. Other evidence of sex is derived from the appearance of the hair attached to the scalp and to the absence of any trace of beard hairs in such portions of the skin of the face as remain.

*Age.*—The sutures of the skull suggest the age to be between 20 and 30 years. The presence of four unerupted wisdom teeth suggest that the skull is that of a young person, and the presence in certain of the long bones of characters, indicating recent union of the epiphyses, shows that the skeleton is that of a person probably between 20 and 25 years of age.

*Stature.*—The stature, as calculated from the bones which are present and estimated from the reconstruction without the trunk, would appear to be somewhere in the vicinity of 4 feet 11 inches.

The examination of the limbs indicates that, though small-boned, this female was plump and well developed.

The finger nails are considerably scratched on the surface such as is found in manual labourers and domestic servants.



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The body has been mutilated by disarticulation at various joints. This has been done with a sufficient degree of skill to indicate a knowledge of human anatomy in the person who carried out the operation. Most of the disarticulations have been cleanly made, though here and there the soft tissues have been roughly hacked, and several cuts have been made in the cartilages at the ends of the long bones. In no case, however, has a saw been used, and in no case has there been any particular injury to the bones at the joints.

The head has been removed from the trunk by a series of incisions leaving four cervical vertebræ attached.

The scalp has been removed almost completely from the right side of the skull and a great deal of the skin of the face has been removed, leaving only some scalp on the left side and back of the skull and portions of skin on the right side of the face and on the chin. In the scalp which is left, the hair has been roughly cut off in places and in other parts has been shaved.

*Injuries.*—On the top of the head in the middle line there is a lacerated “Y”-shaped wound of the scalp. This is quite different from the ordinary cuts used in the dismemberment of the body and appears to have no connexion with them. Just behind this lacerated area the scalp has been sliced off as if the hair had been held in the hand and a piece of scalp about 2 inches in diameter cut away, possibly in an attempt to remove the bruised and lacerated area.

Underneath the laceration there are two fractures: a depressed fracture which shelves from behind forwards, about  $\frac{3}{4}$  inch long and  $\frac{1}{2}$  inch wide; this injury has broken the outer table of bone and caused a slight depression of the inner table into the skull cavity. Slightly behind this fracture and to the left of the middle line there is another small depressed fracture of the outer table about  $\frac{1}{4}$  inch in diameter.

The brain shows no evidence of injury or hæmorrhage, but there are signs of general congestion.

Certain other injuries were observed, namely, a deep-seated bruise 1 inch in diameter in the tissues under the left eye; a similar bruise on the lower border of the jaw on the left side; a bruise  $1\frac{1}{2}$  inches in diameter on the back of the right upper arm, a bruise 3 inches in diameter on the back of the left upper arm. These are ante-mortem bruises and appear to have been inflicted shortly before death.

There are no other injuries on the body that can be observed.

The tongue is swollen, completely filling the cavity of the mouth, and it has been forced firmly against the teeth. Indentations from both upper and lower teeth are to be found on the tongue. Such pressure of the tongue against the teeth is usually found in cases of asphyxia by violence; but the fact that the teeth impressions do not include impressions from the two central incisors, which have apparently been drawn after death, suggests that the swelling and pressure may have been partly due to post-mortem causes.

# Appendix IX.

## BODY No 2

Except for mutilation this body is complete, with the exception of the right foot

*Sex.*—A minute examination of the parts shows that the head of the older person and its five attached vertebræ articulate accurately with the two cervical vertebræ attached to the thorax. In addition to the ordinary anatomical characters which are sufficiently precise, there are certain factors which render this reconstruction certain. For example, a portion of the fifth cervical vertebra which was attached to the head was cut off in the dismemberment and was left attached to the sixth vertebra on the trunk; the cut which passed through this portion of the fifth continued downwards making an incision on the left side of the sixth. There is another minute cut on the body of the fifth which is carried on to the body of the sixth, and there are certain injuries of the fifth which appear related to injuries on the sixth vertebra adjoining it. The cut portion of the lower end of the trachea attached to the head fits the cut portion attached to the trunk.

The second lumbar vertebra attached to the thorax articulates accurately with the third vertebra attached to the pelvis; and the two thigh bones articulate accurately with the pelvis. There are a number of points of anatomical significance present from which this reconstruction may be considered free from any doubt. Since the pelvic parts contain a female vagina, the sex of the skeleton may similarly be considered free from doubt.

The detailed examination of the several parts of the skeleton, including the skull, show that these parts are those of a woman with well-marked masculine characters.

*Age.*—Throughout the skeleton retrogressive changes of similar extent are to be observed, namely, in the skull, in the ribs and sternum, in the pelvis and limb bones, and in the cartilages of the larynx and the hyoid bone, which are consistent with all these parts belonging to the same skeleton and also with a person who has reached middle age.

It is impossible to give a precise figure for the age in such a case, but it probably lies between 35 and 45 years.

*Stature.*—Her stature, as calculated from the bony skeleton and estimated from the reconstruction, we may assume to be a little over 5 feet.

There are no particular abnormalities or old injuries which might help in identification, except the fact that there is evidence of an infective process over the base of the proximal phalanx and head of the metatarsal bone of the left great toe causing certain definite changes in the bone such as would be observed in a bunion, and there appears to have been an old injury of the metatarsal bone of the left little toe. The skin and tissues in the area of the infective process over the great toe have been removed *post mortem*.

*Pathological Examination.*—The tongue was found to be firmly grasped between the upper and lower jaws; the tip had been protruding and a portion had been removed after death.

## Buck Ruxton.

There are indentations of such teeth as are remaining and marks caused by pressure of the tongue against the alveolar margin of the jaw. The tongue is also swollen. Such a condition is most commonly found in cases of manual strangulation, but as in Body No 1, the fact that there are no precise marks of pressure of those teeth which have been removed after death tends to show that the pressure marks which are present may have been caused after death and may be due to causes other than strangulation.

The larynx shows commencement of ossification of the cartilages. The joint between the great horn of the hyoid bone and its body has begun to ossify and a fracture is to be observed on the right side of this bone in the region of the joint. Since the hyoid bone is protected from most forms of violence by its position behind the jaw, this fracture strongly suggests that strangulation took place.

No sign of injury is to be observed in the skull.

The brain is in a state which renders its examination difficult, but it appears to be free from hæmorrhage although generally congested.

The lungs show congestion and a few small pinhead hæmorrhages in the pleura. These have been confirmed by microscopic examination. There is a stab wound in the upper lobe of the left lung running from above downwards. It is impossible to say whether this injury was inflicted just before or after death.

There is a stab wound running transversely from left to right through the left auricular appendix of the heart and transfixing the aorta. From the appearance of these wounds it is impossible to say whether they were inflicted before or after death, but the absence of any blood in the pericardium is in favour of an injury inflicted after death.

The heart shows slight fatty infiltration.

In the left side of the chest there are perforated wounds in the first, second, third and fourth intercostal spaces (four in all),  $1\frac{1}{2}$  to 3 inches from the costal margins. The condition of these injuries renders it impossible to say whether they were inflicted before death or whether they were produced during the dismemberment and mutilation of the body.

There are no other injuries to be observed, but the fact that this body has been extensively mutilated prevents any complete examination being made.

It may be of significance that the parts removed, such as the tips of the fingers, the tips of the toes, the ears, nose and lips, are those which would particularly show the effects of asphyxia.

I have made an examination also of the fragments of skin, muscle and other tissues, particularly for marks of violence, and can find nothing which may be of use either in identification or in suggesting the cause of death.

The following soft parts are however of importance :—

*Three female breasts.*—Two of these form a pair and have been taken from the same body. They are pendulous. The nipples and areolæ have been removed.

## Appendix IX.

The third breast is much smaller and apparently firm and non-pendulous. The nipple and areola have been removed.

*The Uterus.*—The uterus has a slit-like os and from its size and microscopic appearance it was probably removed from the body of an older woman. It shows no signs of recent pregnancy.

*Private parts*—Two portions of external female genital parts are present, consisting of the mons veneris and the upper part of the cleft of the vulva. Beyond indicating the presence of two separate females, no further information could be derived from the examination.

### CONCLUSIONS

From the examination of the material, I am of opinion that the remains are those of two female human beings. One of these was a young woman about 20 to 25 years of age, plump and well developed, and somewhat under 5 feet in height.

She was a victim of an assault causing bruising of her face and arms which took place shortly before death.

She had received two blows from a blunt instrument on the top of the head. These blows would be sufficient to cause unconsciousness, but do not appear to be sufficiently violent to have caused death. In the absence of the trunk with its organs and the tissues of the neck, it is impossible to define the cause of death.

The other body is that of a well-developed full chested female about 35 to 45 years of age and about 5 feet or somewhat more in height.

The condition of the hyoid bone suggests that the neck had been forcibly compressed as in strangulation. The congested condition of the lungs, and the presence of petechial hæmorrhages, suggest asphyxia, and corroborate the possibility of strangulation.

The removal of the ears, nose, lips and the tips of fingers and toes, which would externally show the presence of asphyxia, may be of significance.

*Method of disposal*—After death, both bodies were dismembered by means of disarticulation at the joints. Disarticulation took place more or less cleanly through the joints, the incisions being made with a sharp knife. A considerable number of small cuts were made into the bones of the spinal column; there are many cuts into the cartilages of the long bones and the soft parts are considerably hacked in places; but taking it all together the dismemberment was carried out in a sufficiently expert manner to show that the operator was quite familiar with human anatomy.

The removal of those parts which would aid in identification and those parts which may have shown evidence of the cause of the death further indicates medical knowledge.

None of the parts shows evidence of the use of any instrument but a knife. There are, however, crushing injuries of the lower end of the left femur and the left scapula and fracture of the tenth right rib.

# Buck Ruxton.

All the parts are bloodless and the absence of blood in the vessels and absence of post-mortem staining suggest that dismemberment took place soon after death

The dismemberment of the bodies probably required about eight hours.

(Signed) SYDNEY SMITH, M D , F R C.P., D.P.H.,  
Regius Professor of Forensic Medicine,  
University of Edinburgh

19th November, 1935

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## APPENDIX X.

### DENTAL REPORT.\*

We beg to submit a report on the dental condition of the two skulls, as a result of our investigations.

#### SKULL No. 1.

An examination of the skull showed that the majority of the teeth were present, but that the upper central incisors had recently been removed.

#### *Details of the Position of the Teeth Present in the Jaws †*

Upper jaw—Right side : lateral incisor, canine, second premolar and second molar ; 3rd molar unerupted. Left side : lateral incisor, canine, first and second premolars, second molar ; 3rd molar unerupted.

Lower jaw—Right side : central and lateral incisors, canine, first and second premolars ; 3rd molar unerupted. Left side : central and lateral incisors, canine, first premolar ; 3rd molar unerupted

#### *Details of the Position of the Bony Sockets from which Teeth had recently been removed.*

Upper jaw—Right side : central incisor Left side : central incisor

Lower jaw—none

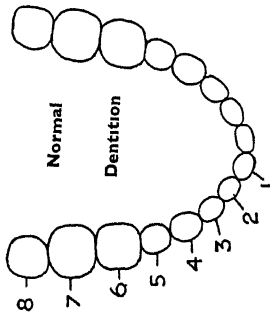
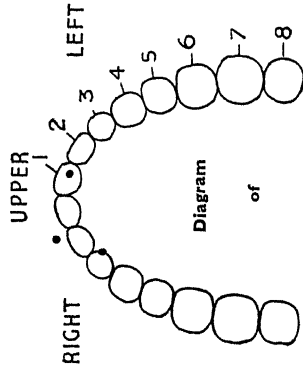
The remainder of the teeth had probably been missing for a considerable time, as there was no naked-eye appearance of sockets, a fact which was subsequently confirmed by X-ray examination. See photograph 8.

The edges of the bony sockets of the recently removed teeth were sharp and there was no evidence of any blood clot being present, and the gum margins had not contracted over the sockets. The outer plate of each socket had been broken away, but, in our opinion, suitable instruments had been used for extracting the teeth. It was, however, impossible to state definitely whether these teeth had been removed during life or *post mortem* but the condition of the sockets tended to show that the operation, if

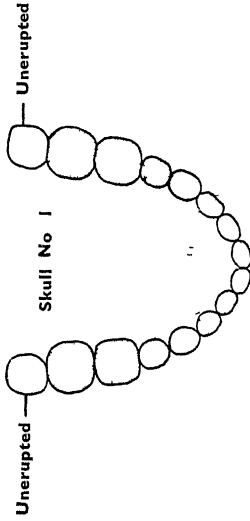
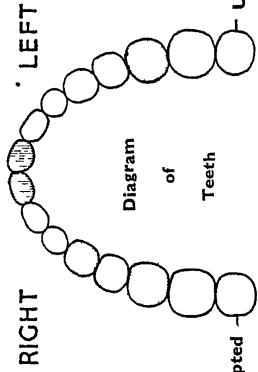
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\* Report supplied and edited by the courtesy of Dr. Hutchinson.

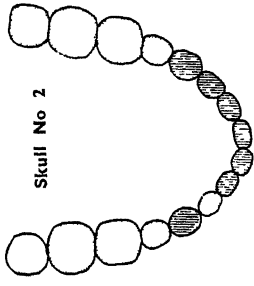
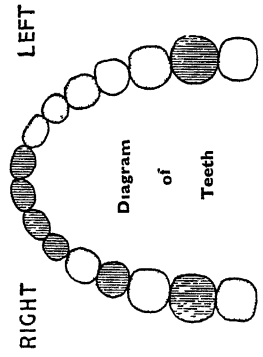
† See diagrams of skulls showing teeth of long extraction, newly extracted, and present on examination.



1. Central Incisor 5. 2nd Premolar  
 2. Lateral Incisor 6. 1st Molar  
 3. Canine 7. 2nd Molar  
 4. 1st Premolar 8. 3rd Molar (Wisdom Tooth)



- Teeth recently removed  
 Teeth extracted for a considerable time



- Teeth recently removed  
 Teeth extracted for a considerable time

Teeth unmarked present in Skull at time of Examination



## Appendix X.

performed during life, could not have taken place more than a short time before death. The gums around the teeth were in a healthy condition, such as one would expect to find in a young person, and no fillings were present.

The following cavities in the teeth were noticed. right upper lateral incisor—mesial and distal; right upper canine—distal; right upper second premolar—mesial; left upper lateral incisor—distal; left lower first premolar—distal.

A milky-white patch was found on the outer (labial) surface of the upper third of the left lower central incisor. In the centre of the patch was a small brown stain.

The wisdom teeth (third molars) in both jaws were not in position but on X-ray examination these were found to be unerupted. The roots were not fully calcified and the lower teeth especially suggested that they belonged to a person of about 18 years of age, while in the case of the upper teeth, the development was compatible with an age of 20 years. Too much reliance must not, however, be placed on the exactitude of these figures, as great variation can normally occur in the amount of calcification present in individuals of the same age.

### *Tongue.*

The upper and lower surfaces of the tongue, towards the free edges, showed indentations which corresponded in position and general outline with the crowns of the teeth present in the jaws. The indentations were shallow in front, becoming deeper towards the back of the tongue. In the centre of the upper surface, immediately behind the anterior border, there was an indentation which corresponded in position with the posterior part of the lower edge of the bony septum situated between the sockets of the recently removed upper central incisor teeth. The tip of the tongue was thin, while the centre portion of the upper surface had assumed a shape corresponding with the hard palate. The front and sides of the tongue protruded beyond the margins of the jaws.

We obtained casts of both jaws and both surfaces of the tongue. These have now been photographed in various positions and are shown in photographs 2, 3, 4, 5, and 6. For comparison, a photograph of the skull showing the empty sockets and teeth present is shown in photograph 1. Photograph 7 shows a cast of the upper jaw fitted to a cast of the dorsum of the tongue.

### *Radiographs.*

Eleven Intra-Oral radiographs have been taken of both jaws. The positive prints of these are shown in photograph 8. The examination of these X-ray photographs confirms our opinion that the skull is that of a person of approximately 20 years of age.

### SKULL No. 2.

An examination of the skull showed that all the teeth were missing, with the exception of the right lower third molar and the roots of the second premolar and the third molar in the left upper jaw, the latter root being



# Buck Ruxton.

loose There was a large carious cavity on the buccal and occlusal surfaces of the right lower third molar.

Fourteen bony sockets were present, from which teeth had recently been removed—seven of these being in the upper and seven in the lower jaw.

*Details of the position of the bony sockets from which teeth had recently been removed.*

Upper jaw—Right side: central and lateral incisors, canine, second premolar and second molar. Left side: central incisor and second molar.

Lower jaw—Right side: central and lateral incisors, and first premolar. Left side: central and lateral incisors, canine, and first premolar.

It was impossible to state definitely whether these teeth had been removed during life or *post mortem*, but the condition of the sockets, especially in the case of the incisors, canines and lower premolars, tended to show that the operation, if performed during life, could not have taken place more than a short time before death. The edges of the bone were sharp and there was no evidence of any blood clot being present and the gum margins had not contracted over the sockets. The outer plate of each socket had been broken away, but, in our opinion, the extractions had been carried out by a person of some considerable skill and suitable instruments had been employed.

The sockets of the right and left upper second molars and the right upper second premolar were extremely shallow and showed margins which were slightly rounded, with little bone exposed. After careful examination, we were unable to form a definite opinion as to whether these teeth had been removed during life or after death.

The remainder of the teeth had probably been missing for a considerable time, as there was no naked-eye appearance of sockets, a fact which was subsequently confirmed by X-ray examination. See photograph 8.

## *Left Upper Second Premolar Root.*

The left upper second premolar root, which was one of the roots present in the skull, has been subjected to a detailed examination. The surface of this root, which was exposed to the mouth, was convex in shape and level with the gum, and had the appearance of having been ground with a revolving dental instrument. The surface was hard, slightly chipped, and showed very little evidence of caries. The root canal was open and contained no filling material. We are of the opinion that a possible explanation of these conditions is that this tooth had carried a supporting clasp for an artificial denture, and the crown, becoming carious had broken away, leaving a sharp end of the root projecting above the level of the gum, which was ground down by mechanical means.

The root was accordingly removed from the skull and photomicrographs were taken of the surface in question, photographs Nos. 9 and 10. The appearance of these photomicrographs shows grooves and elevations, which, in our opinion, could only have been produced by a revolving abrasive stone in a dental engine. To verify this opinion, a root was ground in a similar

## Appendix X.

manner, and a photomicrograph taken as before, photograph No. 11. The same characteristics are shown as in photographs 9 and 10, except that the grooves and elevations are finer, indicating that a smoother stone had been used in this case. We came to the conclusion that the root in the skull had been ground down at a comparatively recent date, as there was only very slight evidence of caries on its surface and in the open pulp canal.

### *Radiographs.*

Ten intra-oral radiographs have been taken of both jaws and positive prints of these are shown in photograph 8. In the region of the left upper first premolar the radiograph shows evidence of residual infection which might have caused pain and swelling on that side, as there appears to be a small piece of root present in the centre of this area; otherwise, beyond the fact of verifying that all the recently extracted teeth had been completely removed, nothing of importance, relevant to the case, could be ascertained from a careful examination of the negatives and prints.

### *Dentures worn during Life.*

It was impossible to give an opinion as to whether an artificial denture (or dentures) had been worn, but the fact that the teeth on the left side of the upper jaw, from the lateral incisor to the first premolar inclusive, had been missing for a considerable time would suggest that this might have been the case.

### *Experimental.*

(a) *Natural Teeth fitted into the Bony Sockets from which Teeth had recently been removed.*—We attempted to restore, as far as we were able, the likely front and side appearances of both jaws, by grinding natural teeth and fitting them into the empty sockets of the recently removed teeth, photographs 12 and 13. No natural teeth were fitted into the sockets of the upper second-molar teeth on either side, as their position was too far back to be noticeable, without a detailed examination, during life.

(b) *Upper Artificial Denture made Post-mortem.*—In addition, we made an artificial denture for the upper jaw to replace natural teeth which had been missing for a considerable time.

The denture was so designed that it was retained in position by two clasps attached to the second premolar tooth on either side of the jaw. In order that this might be carried out effectively, the socket of the upper left second premolar root was fitted with a complete natural tooth, to replace the root which was present at the commencement of our examination, and which had been removed by us for further investigation. Photographs 14, 15, 16, 17, 18, and 19 show the denture completed, while photographs 20, 21, 22, and 23 show the denture in position in the skull.

### *Tongue.*

The upper and lower surfaces of the tongue, towards the free edges, showed indentations which corresponded in position and general outline with the crown of the right third lower molar tooth, the surfaces of the roots present in the jaws, and with the margins of the sockets from which teeth had recently been removed.

# Buck Ruxton.

The indentations were shallow and of more or less uniform depth throughout, with the exception of one on the lower surface of the tongue, corresponding in position with the right lower third molar, and another, almost immediately above, on the upper surface corresponding with the inner margins of the sockets of the second molar and second premolar teeth. The tip of the tongue was missing, while the centre portion of the upper surface had assumed a shape corresponding with the hard plate. The front and sides of the tongue protruded beyond the borders of the jaws.

We obtained casts of both jaws and both surfaces of the tongue. These have now been photographed in various positions and are shown in photographs 2, 3, 4, 5 and 6. For comparison, a photograph of the skull showing the empty sockets in the front and sides of the jaws is shown in photograph 1.

Photograph 7 shows a cast of the upper jaw fitted to a cast of the dorsum of the tongue.

(Signed) A. JOHNSTONE BROWN

(Signed) A. C. W. HUTCHINSON.

## EXHIBITS

### *Skull No. 1.*

- (1) Cast of upper and lower jaws
- (2) Cast of tongue.
- (3) Radiographs of upper and lower jaws
- (4) Book of dental photographs.

### *Skull No. 2.*

- (1) Casts of upper and lower jaws.
- (2) Cast of the tongue.
- (3) Partial upper denture.
- (4) Radiographs of upper denture
- (5) Book of dental photographs.
- (6) Left upper second premolar root from skull
- (7) Experimental second pre-molar root which has been ground with a revolving carborundum dental stone.

(Signed) A. JOHNSTONE BROWN

(Signed) A. C. W. HUTCHINSON

The Incorporated Dental Hospital and School,  
31 Chambers Street,  
Edinburgh.

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## APPENDIX XI.

### DESCRIPTION OF MRS. RUXTON GIVEN FOR CIRCULATION TO POLICE

BUCK RUXTON states—

I am a medical practitioner and I reside at 2 Dalton Square, Lancaster. The following is a description of my wife. Name: Isabella Ruxton, 35 years, about 5' 5" or 6", well built, fair hair, bridge of nose is uneven, three

## Appendix XI.

false teeth left upper jaw, gold clip shows when smiling, fair complexion, blue eyes, dressed in cream silk blouse, light brown small check coat and skirt, suede shoes dark brown colour, and had a v-shaped ring on forefinger of left hand. Speaks with a strong Scotch accent I would like discreet inquiries made by the police with a view to finding my wife She left home on Sunday, 15th September, 1935, and I have not seen her since

(Sgd.) B Ruxton.

Statement taken by John Winstanley, D C 11, on Thursday, 10th October, 1935

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### APPENDIX XII

#### " MY MOVEMENTS " \*

(Exhibits 207 and 211 )

Saturday,  
14th Sept.

Children's party in evening Mary with children. Mrs Jackson came to take her children home. She saw Mary in the hall. Mrs Ruxton had left for B'pool at about 6 p.m. Mrs R returned home a little after 12. at night.

Sunday,  
15th Sept.

Mrs R suggested going for a day's trip I agreed. Asked me to get up and go for the car. Further said I should ask Mrs Oxley not to bother coming I went to the garage took the car out and went to Mrs Oxley. It was a little after seven I began to start getting ready slowly Isabel and Mary were both upstairs when I was in the bathroom. Isabel suggested if I mind her going to Edin. that day instead of the day after. I said " Jokingly " Are you sure you know what to do. Alright please yourself. But you will have to go without my car. She said " I am taking Mary with me " I felt rather glad at that because I said to myself if she goes with Mary, she is sure to come back, because Mrs R had been hinting that some day she will go away for good. It was about half past nine when they left She shouted " There is a cup of tea on the hall table for you."

I came out of the bathroom and went to the childrens room. A little while after I went downstairs to the living room and fetched a tin of peaches. Brought it up to the bedroom and in attempting to open it gashed my right hand fingers. Detailed account of this already with the Police. At about 11 O.a.m. that morning Mrs Whiteside came for son's operation. 10-0 a.m. the milk woman had been. At noon—took children to Andersons, came home

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\* Reproduced as written by Dr. Buck Ruxton.

# Buck Ruxton.

because of my hand. At 4 p.m. went to Mrs Hampshire. Asked her to come take charge of the house. I went to Andersons. Mrs A. said she would not mind looking after the children. I came home about half past six for their nighties I was in the house only a few minutes. Went back to Andersons. came home late night. I had given key of house to Mrs H. She had the run of the house.

Monday,  
16th.

Mrs Hampshire  
looked after my  
comforts and  
served my  
friends.

Took Mrs Oxley in at a little after 7 a.m. Was in the house till nine. Went to the Barbers Went to Andersons. Took coffee. Brought him to town. Did visits. Slinger—Solicitor and Kerridge came to see me. Afternoon surgery as usual, after lunch 2 p.m. surgery. With Slinger and Kerridge till about half five C.F.G. phoned re 2 Dalton Sq Assignment. Put him off till next day. Evening surgery as usual Evening at Andy's [house] home late night Children at Andys. This day I gave my car to Hudson for decarb at his suggestion and hired one from Yates.

it was

Tuesday,  
17th.  
Went to Pice.  
Stn. for  
Licence and  
Ins. Cert.  
They said 5  
days,  
don't worry.

Took Oxley in at 7 a.m. Home till after 9. Shave. Went to Andy to take kiddies to school. Went back to Andys stayed for coffee. At about half ten went on the round Billy and made for Seatle. Lost way and came back via Lythe Valley to Lancaster via Kendal. Accident at Kendal. Milnthorpe Police stopped me. He should know the exact time when he stopped me. He must also confirm my boy was with me. Came home for lunch and then surgery as usual at 2 p.m. At 4.30 went to C.F. Gardner for business and stayed till half five. Surgery as usual. Went to Andys and brought children home for night for next days carnival.

Wednesday,  
18th.

Mrs Oxley at 7 a.m. home till about 9—shaved. Car. Andys for usual coffee [came] back home till after lunch. Sent Elizabeth to Carnforth at 1 p.m. asked Mrs. Curwen to dress Eliz in a hurry. So as not to miss the troupes special bus leaving Town Hall at 1.0 p.m. sharp. Took Billy and Dianna to Andys. then took Mrs. Aneders, Dorothy and Diana and Billy to carnival. Left them at Battery Hotel. Went back to Andyes to take Mrs. A. to the cemetery I came home Elizabeth came home from the carnival at about 5 p.m. took Elizabeth to Andys. Before that I took charge of my car and gave over the hired car. Then went to Andyes with Eliz in my own car, stayed at Andyes till about one in morn. He gave me his overcoat Children were at Andys.

## Appendix XII.

Thursday,  
19th.

No shave this  
morning  
thought of  
seeing P.J.G.  
for hands.

Oxley at 7 a.m. Home till 9 Went to Andy to ask them to keep children with them. Stayed till about noon and made for B'burn came home for Surgery a little after 2 p.m. A little while after children were sent home to me with Dorothy, as Andersons were going to be busy with visitors Work. Children at home that night. O me.

Friday,  
20th.

Oxley at 7. Home till about 9. Shave. Car. Children to school. Andy in the morning Usual coffee. Work as usual Work till about 10 p.m. Admitted Mrs. Benjamin into Infy at 10 p.m. phoned Mather and Infirmary. Took Miss Sharples pills to her then. Bessie minded the children that evening.

Saturday,  
21st.

Oxley as usual Shave Andys. brought him to town at half ten for Aether case Took patient home at a little after noon to Parkfield Drive. Mr Sherlock came to my Surgery while I was at Andys. I just looked in after finishing Aether. Saw Mr Sherlock and went back to Andersons Surgery in Francis Pass to take his p home. Visits Lunch. Surgery as usual in Curwen evening when I went to Andy that night. Came home about 11 to relieve Curwen

Sunday,  
22nd.

Afternoon at  
Miss Sharples  
and Harrison's.

Oxley in morning Howson came to my house for shaving at 9-15 or thereabout. Servants were in house till lunch time. Oxley left a little earlier asked Bessie to come to my house and stay with children while I went to Andys for the evening This was about 7.p.m. Came home to relieve Bessie at about half ten.

Monday,  
23rd.

Oxley and shave as usual Children to school. Andy in morning. Work as usual Cinema in evening. (Clive of India) Bessie with kiddies till 11 p.m. this day in afternoon. Mr Lett came with his friend from Manchester to audit my books.

Tuesday,  
24th.

Oxley and shave as usual. Mrs Curwen took kiddies to school. I went to see Dr. Rigg of Preston. Met Slinger, Solicitor. Have arranged at 10 45 in Preston. Talked my business. brought him to Lancaster for my paper. Took him back to Accrington to be in time for 1.30. I came to Lancaster a little later than Surgery hour. Work as usual. In afternoon went to Police Station to see Mr. Moffatt. Begged of him to come to my house and see anything he wanted to see. Work as usual.

# Buck Ruxton.

Wednesday,  
25th.

Oxley and shave as usual. Mary's mother in morning 11. Andy for coffee and lunch. At home in afternoon Went again to Police Stn Mr. Cook saw and bandaged my hands. Mary's father in evening at 7. At home after visiting Andy.

Thursday,  
26th

Oxley and shave Children to school with Curwen I met Jeff in Barbers shop Asked him to come up to my house I told him all about Bell. He said she had borrowed £9 After he left I went to Andy Visits. Went to Cinema Bessie with Children.

Friday,  
27th.

Oxley and shave Andy. Aether case Mrs. Fletcher, Carnforth Work as usual At home kiddies.

Saturday,  
28th.

Oxley and shave. Early visit to Mrs Cornthwaite. 14 Chestnut Grove, Admission to Infirmary Appex case. To Andy for bringing him to town Ether case Mr Hardman took him home. Work as usual. Evening at home with kiddies

Sunday,  
29th

Oxleys. Howson came to shave at 9 at home with kiddies. Went to Andy if they would go for a drive. They could not. Came home. Asked Mrs Curwen if she could Her husband being at home only at weekends she too could not Went to Miss Sharples at 12 Daisy Bank. It was a little before 2. Took Miss Sarah Sharples and Miss Robson and my three children to Windermere. Took petrol somewhere near Carnforth from a Garage on the right side of the road going north He was an oldish man. He gave petrol and I asked him to look for water. The car needed water. He put water. Then we set off. I remarked to my friend " Sky is the limit, let us enjoy a run ". We went to Windermere, Ambleside, Keswick. Took tea at the Waverley Temperance I am not quite sure of the name but we took tea. Everybody ordered different things, one cocoas, one tea one coffee Billy milk. I joked with the waitress " Please forgive the trouble but such is the lot of family life." Children went to bathroom. Miss Sharples took Billy also there. We were there quite over an hour. Bought chocolates at the counter before leaving, and then made way to Carlisle, because Miss Robson had just remarked that she had never been to Gretna Green. I again joked " I say it is rather tempting for me to go the Gretna with two single woman We went via Carlisle from Keswick and then to Gretna. We visited one shop where I bought three berets for the three kiddies. And then we went to the

## Appendix XII.

marriage home a few hundred yards away. I signed my name and wrote Miss Sharples. My Elizabeth wrote a big MISS ELIZABETH Miss Robson I think helped my Diana to write her name as well We left the marriage house at about quarter past six, then we went along a little further, but as it was getting a bit too late we turned back home We came home after 9.0' clock I then went to Mrs Curwen to ask her to come home and put the children to bed.

Monday,  
30th

Oxley and shave Children to school. Went to bring Miss Sharples and Miss Robson to Dalton Square in time to catch the 10.0'clock for Bishop Auckland where they went. Miss Robson was to resume duties there on the following day at the Work Hse. Hospt. Miss S. went with her for a short stay.

## APPENDIX XIII.

### STATEMENT BY DR. BUCK RUXTON.\*

[Exhibit 208.]

BUCK RUXTON says—

Mrs. Ruxton left home at about 6.0 p.m. 14.1X.35 in my car to go to Blackpool. Mrs. Ruxton's sister was due that night from Edinburgh on a day's chara trip. She got home a little after half past twelve. She came first with the car, got my garage keys and came back home. I want to add further light on this corroboration at Blackpool—Mrs. Nelson.

Bobby Edmondson was supposed to go to Blackpool with his family and if Mrs. Nelson had not been there I would not have permitted it.

We were using separate rooms—last intercourse was Xmas 1934.

My Elizabeth had given a children's party prior to school reopening. Mary was with my children and she stayed in my house. She went to bed roughly about 10.0 p.m.

I had gone to my room and was in the room when Mrs. Ruxton came back *from garage*. I heard her come up the stairs and go to her room. As she passed she said "Goodnight Pa."

This is a dirty trick of the woman.

She got about a little after 6 o'clock. She knocked on my door and entered. She came to the bed and in a coquettish manner said "Want to go anywhere, Pa." There was no definite arrangement as to place but we would go from the house.

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\* Alterations made by Dr. Ruxton in holograph in italics, and deletions made by him, thus, [ ]. Reproduced as taken by the Police from Dr. Ruxton's dictation.



# Buck Ruxton.

She said "Get up, Pa" and she seemed very anxious to get me out of the house.

I got up and it would be about 6 or quarter past. I tell you for why I got up and dressed slowly and went for the car. When I was about to go for the car she said that I should go to Mrs. Oxley, asking her not to come to-day. Mrs. Oxley comes on a Sunday at about 8.0 a.m. and on week-days at 7.0 a.m. She comes every day.

When I came back with my car in Dalton Square, I purposely looked at the clock, and it was just gone quarter past seven. When I got back to the house, Mrs. Ruxton was in the room previous to the kitchen, and Mary was in the kitchen.

I again went to my bedroom for no special reason, and I reclined on the couch and I went there to await my coffee and toast. I waited in vain for about three quarters of an hour and went to the children's room where Mrs. Ruxton also sleeps. She was dressing. The children were asleep. I offered to help with getting the children ready and she said there was no hurry, just to put me off. I went to the bathroom. I had my grey suit on and this suit I afterwards got cleaned. It was sent to Cherry Brothers by Mrs. Curwen. It was a bluish-grey shirt I had on and it had holes where the stiff collar has worn through. I took off my coat and waistcoat and I sat on the lavatory. I was sitting and thinking. When I was there, Isabel comes into the bathroom to powder and make up. The lavatory is in the bathroom. She was making up and talking to me as she had to look in the mirror.

The first mean action now. "Do you mind if I go to Edinburgh to-day instead of to-morrow." I said "Have you made up your mind" because she had made me get up, get the car and lose my sleep. Anyone would get sarcastic with her. She then said "I am doing all this thing for your sake." She was referring to a football pool agency of Wm. Murphy which she had proposed to start. She meant as I had certain liabilities to pay off and if she could make money she would wipe them off for me. I said "You can do what you like, you are not running away with my car again" as the car was then outside the house. I went to the bedroom, took off my shoes and I took my coat and waistcoat from the bathroom and carried them in my hand. I put the suit down. I took my trousers off and vest and put my pyjama trousers on. My shirt was still on and I lay on the bed. I went again to the bathroom to make water. They were then ready to go and while I was in there she said "I am taking Mary with me." I was rather glad because she couldn't abscond having Mary with her. She knocked and said "Toodleoo Pa." "There is a cup of tea on the hall table." That was the only breakfast I got that morning. I heard them go out and the catch of the door fall.

I came out of the bathroom and peeped through the glass door to see my car was still there. It was there. It was then about 9.30 a.m. and the milk woman came a little after. She usually comes about 10.0'clock. I went to Mrs. Ruxton's room and *laid myself* on her bed as the children still there and by that time and this shows her dirty mind as she let the children sleep. She never intended me to go with her. Blinds were drawn and the

## Appendix XIII.

children woke up. "Come on" I said to the children "we will go to Andersons" They were glad. Elizabeth helped Diana to dress and I Billy. Diana said she would have some sweets. None of us had any breakfast. I went to the kitchen and on the hall table there was a cup of tea. It was then cold. I made my way to the living room and in the living room there is a *wallcupboard* [table in the centre of the place]. I could not find any cake but a tin of peaches was staring me in the face I took it out [as] I could not find an opener. I did find it on the mantle shelf My children were crying so I went to the bedroom and said "I will give you some peaches" I had the tin in my hand. The idea of the opener is to make a small hole and then cut out the tin. I began to push it and it would not go. I wanted to put a pressure\*—as a secondary thought I put the tin on the commode and then I put the point on the tin. I got sofa arm and banged on the handle with a view to making a hole in the tin. I banged a little and as it did not go in I used a greater force Naturally when I gave a powerful bang this point rushed in and my fingers were between the cross blade and the top of the tin. I took my hand away. It was bleeding Went straight to the bathroom. The bathroom is on the landing below. It was bleeding rather profusely. When the bleeding started it came like a small stream and then I held my hand and went down to the bathroom holding my hand in the most comfortable position. I applied my thumb to the arteries leading to the two small fingers. The bleeding kept on dribbling and the blood was running down my arm and trickling on my shirt. The other hand was marked with blood and suffered a small cut. I had my shirt and pyjama suit on I turned on the tap and below the cabinet there is a seat where I sat down and composed myself I ran the tap and drank a little water and let my hand run under the cold water tap. I had nothing available in the bathroom and went to my consultation room again and then I began to run the tap again. It was still bleeding. When the thing slipped it left the four fingers bleeding and the cuts were in a rising direction. In the consulting room I keep a towel always available on the rail adjoining the lavatory basin I took my green chair, sat down and wrapped the surgical towel round my hand I kept it pressed for a little while and by this time I felt a little relieved. I went upstairs to the children in the meantime. It was still bleeding profusely. I then took the whole thing off and put it in the lavatory basin and began to dress my fingers at leisure. I used gauze and cotton wool and usual surgical dressing. I remember at that time I had to answer the door, for the first time. It was the milk woman. I was there when she was coming in. It would be a little after 10.0'clock. She put the milk on the hall table. She did not say anything to me. I went up to the bedroom. I went down again to improvise something for the children. The first thing I did was—I took the cup of tea and emptied it in the consulting room lavatory. When I went there I saw the surgery towel and threw it in the yard. Then I drank a little milk and then this actually happened. My little finger began

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\* Dr. Ruxton gesticulated how he did it.

## Buck Ruxton.

to bleed profusely. I removed the dressing of this finger and redressed it in a different style because I wanted to change myself and go to Andersons. I went upstairs and went to find another shirt. The sleeve was bloodstained on the front and practically everywhere.

I put the shirt also in the yard—it is a big yard—and threw it in the initial part of the yard. At first I wanted to burn it as I always burn surgery dressings in the fire. I tried to burn it—no—I let it be there all that day—the Sunday. I think next morning or afternoon I tried but I could not burn it as it was too soaked in blood. I took it to the corner where the dust bin is and put it there. We have made our own arrangements for burning these things from the cellar and always a little petrol a tin—in the house.

I simply poured a few drops of petrol and as it was still wet I did not bother. I cannot remember the exact day—it was Sunday or Monday—it would not be Tuesday as I remember asking the dust bin men to take it away. That was precise next day Monday afternoon. I then dressed myself in the greyish suit and got the children ready. At about 11 O'clock my patient Mrs Whiteside of Ryelands Road (171 or 172) called for a circumcision operation arranged sometime before. I said "I am very sorry there is no one in the house—(Mrs Ruxton usually helps me in these operations) I have a cut on my hand and I showed her my hand and let you know when to come again". My next move was to get my children ready to go to Andersons. It was now a little after 11 O'clock as I usually do these operations about 11 30 or 12. I do not remember anyone else calling that morning. I *think* [blame] Edmondson, he knows where my wife is—[damned hypocrite going to Church twice on Sundays] \*

I went to Andersons and told Mrs. Anderson that Mary and Mrs Ruxton had gone to Edinburgh. That is where they told me they were going. She may have gone by 'bus but I have grave doubts if ever she went to Edinburgh. What other inference could I have but that she wanted to get me out of the house.

Before she went to Blackpool on the Saturday night she told me that it was arranged to go to Blackpool with Edmondson and his party. It is quite possible Edmondson had his car in the vicinity. I left the children at Andersons and as my hand was painful I came back home, getting back about 10 O'clock. I went by car to Andersons and on return left the car outside the front or the back—I am not certain which, but I am certain I did not go to the garage.

I was aimless and had nothing to do. I went to the consulting room and redressed my hand. I was now very hungry. On the first floor is a back room used as a breakfast dining room and found on the sideboard a little fruit. I took an apple, ate some, some biscuits and drank a bottle of milk. I was resting on a settee on the first floor in the lounge room. I was napping till about 3.45 p.m. because I again had a brush up and could not shave.

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\* Dr. Ruxton became hysterical about Edmondson.

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At 4.0 p.m. I went to a patient of mine a Mrs. Hampshire at 73 Bulk Road, and asked her to do me a favour—"Could you just come home and just sit down in case there are any callers" I am also very anxious not to leave the house unattended, because I wanted to go back to Andersons for seven or eight hours

Mrs. Hampshire came back in my car and then I just said "if you like you can make yourself comfortable" and asked her if she would do a little cleaning up I mean washing up and tidying I did not want her to do any laborous work I just wanted her as a sentinel I said "I want to go to my friends and it will be some long time before I return" She said, "Doctor, do you mind if I ring up my husband and tell him to come to your house" I agreed and heard her telephone The only work I wanted her to do was just the tidying up. It had gone 4.0'clock when she came and I gave her the key of the glass door and went straight to Andersons and stayed there until about 11.0 p.m. Mrs. Anderson *offered* [agreed] to have the children and I came home about 6.0'clock or half past and was in the house only for about two minutes

Mr. Hampshire was sitting in the waiting room talking to his wife. I flew past upstairs and got the childrens nightdresses and dresses and went back to Andersons The Children went to bed and I came back to Dalton Square I remember saying to Anderson "it will soon be Monday"—it was then just gone past 11.0 p.m. It would be about 15 minutes or more as I had to drive slowly with my left hand and I got home half past eleven. The Hampshires had gone earlier in the evening. She had tidied the stairs—the stair carpet was taken off and some pieces had been haphazardly rolled and thrown in the yard The next day the decorator—Mr. Holmes, was to come but he did not turn up though the appointment was made in August when the waiting room and bathroom were done.

Half the stair carpet was pulled off by Mary on the Saturday evening and I think I pulled the rest on that Sunday. Before we went to Andersons we took out one portion of the landing carpet. There were a few drops of blood. It would not be a tea cupful in all. I again remember going up stairs with my hand dripping We had not actually ordered any new carpet but we intended to buy some. As I did not want to use them again I told her she could take some and also told the other servants they could take some. I think Mrs. Hampshire did take some and some pads. She may have taken some on Sunday and some on Monday There was nothing else to give her so she took nothing else away.

We usually do the taking off of the paper ourselves so next day we asked Mrs. Smith to strip the paper on the landing on the parts where it was uneven. Papering had to be done and carpet is the last thing to be *laid* [done]. Papering has now been done by Eason last week but for two weeks it was without being done. I *had* also intended to put up new electric fittings. *Arrangements for this to be done in Sept. were made as far back as in July when the waiting room and consulting room were newly electrified.*

On Tuesday 24th September I got to know that my friend Detective

## Buck Ruxton.

Stainton was asked to go to *my* [your] house-keeper with Mr. Moffatt. At that time Mrs. Smalley had been found dead, and Inspector Clarke told *me* [you] it was a routine enquiry about Mrs. Smalley's affair and I was excited. Are you suggesting that I killed Mrs. Smalley and took her from the house I asked Mr. Moffatt to come but he would not come. I went next day to the Police Station again and was told it was cleared up.

*Mr. Cook actually dressed my finger.*

If I do this papering before this matter is cleared they may say I have covered up traces.

I undressed myself, looked through some books and got into bed. It was after twelve O'clock, and I read about three chapters of a book on astrology and a magazine I went to sleep about 1 O'clock

I woke on Monday morning when Mrs. Oxley rang the bell at about 7 O a.m. I got up and opened the door. I went back to the bedroom with a view to slowly preparing for the day. I went through the mail while in bed at 7.30 after the post had come. Mrs. Oxley brought coffee and toast soon after 9.0 a.m. I went for the first time to Mr. Houstons for a shave. I then went to Andersons in my car. Took the coffee in his consulting room. Brought him to town about 10.30 a.m. I did my own visits and got back in time for lunch at 1.0 p.m. Took surgery at 2.0 p.m. and was there till about 4.15 p.m.

That afternoon a Mr. Slinger, Solicitor, of Accrington and Manchester and Mr. Stanley Kerridge, Managing Director of O. Williams & Co., came to see me on some business. On this day Mrs. Hampshire came in about 2 O'clock and prepared the tea which was taken later. Mr Slinger and Kerridge stayed till about 5.30. Mr. C. F. Gardner of 31 Sun Street, 'phoned me in relation to a certain business while they were there. I put him off till next day Evening surgery at 6.30 till about 8.30 p.m. Then in the evening I went to Andersons as Mrs. Anderson was still looking after the children and came back home about 11.30 p.m. It was this day that I gave my own car to Mr. Hudson of the County Garage, Morecambe, for being decarbonised at his suggestion and he hired a car for me from Yates of Grand Garage. I think it was C.P. . . . I am not sure of the number that is the whole of everything that happened on that day. I went to bed a little after 12.0 midnight.

On Tuesday the 17th I took charwoman in—Mrs Oxley at 7.0 a.m. I was at home till a little after 9.0 a.m. when I went for a shave. I then went to Andersons as I had to take the children to school it was re-opening day. I took the children to school and went back to Andersons to collect Billy boy. At about 10.30 a.m. I left with Billy boy and went on the round of visits and after finishing made for Seale to the farm called Mrs. Holme's farm, *vide infra* but lost the way again and came back via Lyth Valley to Lancaster via Kendal I wanted to leave Billy there. In Kendal an accident occurred and my car touched a cycle. The man was not injured and I went on. I was stopped at Milnthorpe by the Policeman on point duty, he telling me he had instructions from Kendal Police to stop this car I was driving. He asked me about licence and Insurance Certificate of

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car. He looked at me and my Billy boy. I told him I had nothing with me as it was not my car and a hired one. My right hand was dressed—there was no bandage on the other hand.

I went on the main road north and went left at Levens Bridge and went left again to Seathle and passed Derby Arms up Lindale Hill and then I lost my way. I have been there twice before and both occasions we lost the way. I never saw anyone of whom I could ask my way I got back to Lancaster about 1.0 p.m. and had lunch and followed with little nap and surgery at 2 p.m. sharp I called at Police Station and was told I had five days to produce my certificate and licence.

At 4.30 p.m. as arranged with previous 'phone conversation with Mr. Gardner I went to see him for business and stayed at his office for a considerable time. After business we talked about my hand and his daughter, until 5.30 p.m. when I came home. At 6.30 p.m. Surgery starts—I was there—as usual lasted up to 8.30 p.m. I went to Andersons and that night brought the children home with me, because Elizabeth had to go to be measured and made a special dress for the Carnival. I got home with them at about 10.30 p.m. and put them to bed. The children usually go to bed about 8.30 p.m. I put the car away and went to bed always after twelve. Soon after midnight I always say a prayer—it is part of my religion. I also read a book "Thoughts are things" and "Character building through thought power." I was in bed all night and got up as usually at 7.0 a.m. and the usually routine as mentioned aforesaid until about 9.0 a.m. I went for a shave got out the car and went to Andersons and saw Mrs. Anderson, had coffee and cake and went round the visits. Got home about noon and was in the house preparing Elizabeth to get ready to go to Town Hall steps to catch 10 o'clock special 'bus to take her and other children to the Carnival. They were Miss Rigby's dancing troupe. I had lunch at home with the children I took Billy boy and Diana to Andersons, then I suggested we should all go to the Carnival, but Mr. Anderson desired that I should take all but him to the Carnival. I went back to Andersons and then took him to the cemetery I came home at about 3.0 p.m. and stayed in the house to await Elizabeth's return with the dancing troupe. She got home about 5.0 p.m. I took Elizabeth to Andersons and we stayed for tea.

We I & Elizabeth went to the County Garage in the hired car and got my own car and went to Andersons. The children stayed that night at Andersons. I stayed till pretty nearly 1.0 o'clock and I came home in his overcoat in my car as it was raining heavily. I put the car away, went to bed soon after, read my usual passages and slept till 7.0 a.m. next morning when I let Mrs. Oxley in again. The usual procedure followed until about a little later than usual because I came home late that previous night. I went to Andersons late that day and I did not go for my usual shave as it was very late. I asked Mrs. Anderson this day to look after the children as I wanted to go to Blackburn to see the room which Mrs. Ruxton had furnished for this betting business. It is number 18 Newmarket Street. Left Andersons at about 11.45 a.m. for Blackburn I came back home a little after 2 p.m. I intentionally went on Thursday because if Isabel had expected me to spy

## Buck Ruxton.

on her she would expect me to spy on Wednesday or Sunday my off days and so I went on the Thursday when she would least expect me. I thought Mrs. Ruxton and Edmondson were *meeting* [carrying on] at this address in Blackburn. I did not go upstairs as I did not want to be observed. I thought this was a rendezvous for Bobby Edmondson and her. I did not want her to know I had been there. I expected to be seen by Mr. Rennie who knows me Mrs. Anderson's sister occupies the floor below and Mrs. Ruxton rents the premises from her. I took surgery at about 2.15 and a little while after I came home my children were sent home to me with Dorothy (Anderson's maid) as the Andersons were having some visitors Surgery at 4.30 and till 6.30 was with the children. Then 6.30 to 8.30 Surgery and that night stayed at home as the children were at home and I had no one to look after them Mrs. Curwen goes home after about 8.45 p.m. I read a little and made out my bills then went to bed as usually after midnight.

Friday the 20th I got up as usual and let in Mrs. Oxley home till 9.0'clock as usually, and usual shave. Got car out and took children to school at Victoria Parade, Morecambe. Went to Andersons usual coffee and visits and got back for lunch at 1.0 p.m. Attended 2.0 p.m. surgery till 4.0 p.m. or 4.30 p.m. Then tea and surgery again at 6.30 p.m. I worked this night professionally on Mrs. Benjamin at about 8.0 p.m. and again at about 10 p.m. and got this woman into the infirmary. I then took pills to Miss Sharples and got back about 10.30. That night Bessie minded the children and she went away about 10.45 p.m. I put the car away and went into the house and to bed a little after 12 midnight as I was tired—my hand was throbbing

Saturday the 21st usual procedure and at house until 9.0 a.m. and then shave I went to Andersons earlier than usual and brought him to keep an early appointment at his Francis Passage surgery for an ether case which I was administering. I left there about 12 noon after having come to my surgery to see Mr. Sherlock. Took patient home and then home for lunch—surgery little nap and tea at 4.30 p.m. and then in the evening I left Mrs. Curwen and went to Andersons. I came home early as Mrs. Curwen's husband comes home early from Blackburn. I went to bed as usual soon after midnight.

Sunday 22nd September Mrs. Oxley came a little later it being Sunday and I opened the door. Mr. Houston came about 9.15 to shave me and I remained in the house till about 3.0'clock Mr. Thomas Harrison came into my house about 4.0 p.m. and stayed a good while. Then I remember we went into the Square to find the next 'bus from Liverpool. On being told the next bus was not till 6.0'clock I told Harrison he could go home and I would find Richard on his arrival and take him home, but as Mr. Harrison was supposed to be taking tea at Sharples at 12 Daisy Bank I took him there. I stayed at Sharples for a short time and came home and went to Andersons. It would then be 5.30 or 6.0'clock. I am not sure as to whether we went for a drive when we got to Andersons. Bessie was looking after the children when I went to Andersons just for a while and I came home to relieve Bessie about 10.0'clock. I went to bed as usual.

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Monday 23rd September I got up as usual and had a shave as usual. Went to Andersons and left Billy Boy and the other children went to school.

I have forgotten to say that *almost* every school day since the children started school I have called for them at tea time and on some of the days I had to bring them home. In the afternoon I collected the children and as the children were in the house that night and Bessie was looking after them I went after surgery about 8 45 p.m. to see "Clive of India." After the show I went home and Bessie was relieved to go home. I went to bed as usual. On the afternoon of this day my books were inspected by Mr Lett and his friend. I have never had a call after midnight during the whole of this period to date. Tuesday 24th September up as usual—shave—usual routine. Mrs Curwen took children to school in 'bus and I went to see Dr. Rigg at Preston, at about 9.30 a.m. After meeting him I had to meet Mr Slinger of Accrington in Preston outside his surgery at 10 45 a.m. for examination for life insurance. I brought Mr. Slinger, Solicitor, to Lancaster in my car for my papers, he stayed about quarter of an hour I took him to Accrington. I came straight back and got to Lancaster for surgery a little late. Work as usual in the afternoon.

After surgery I came and saw Inspector Moffatt and asked him to come to my house and examine the place which he would not do. Back to Surgery—tea and evening surgery after taking children from school. The children were with me at home. I stayed at home that evening—nothing unusual happened and I went to bed as usual.

Wednesday 25th September up at 7.0 a.m. and usual routine shave at 9.0 a.m. on this day. I went to see Mrs Rogerson about 11 a.m. and stayed for about an hour. I asked if Mrs Rogerson knew Mary might be in love with someone. I had heard about Mary and a laundry boy. Mrs. Rogerson said "When I come to think of it, soon after Mary returned from Seattle, she was telling us she would not be at Ruxtons after September." Mrs. Rogerson asked Mary "Are the Ruxtons leaving Lancaster in September?" Mrs. Rogerson [Mary] said "She is such a deep girl—you can't get anything out of her." I know of no reason why Mary should have told her mother she would be leaving in September. I told her that I thought Mary was away in Edinburgh with my wife. Called at Andersons—lunch—home, rest and went to Police Station saw Mr. Cook, as another servant—Miss Smith had told [he] some detective had called to clear up something that was floating in Morecambe. I understood [understand] this to be rumours about Mrs. Smalley. It was about 4.0 p.m. and I stayed there about an hour. I was reassured it was a process of enquiry and I went home. That evening I went again to Rogersons and saw Mary's father for the first time in my life. I asked Mr Rogerson and he emphasised that she had a happy home and was quite happy up to the Thursday previous when he had last seen her. I showed him the letter [latter] I had showed to his wife and he said this was a family affair and admitted the mother had admonished the girl. I said to him "Do you know your daughter is courting. Have you objected to her marriage." He said "She can't get married without my permission" and said this in a very determined tone.



## Buck Ruxton.

I made some reference to the sister's advice in the letter to Mary whereupon Mr. Rogerson said "I am her boss and not her sister."

I recollect having told the Rogersons politely that I believed she was pregnant I arrived at this decision because Mr. and Mrs. Anderson were at my house in the lounge room When she entered the room Mary looked pinched and as she was standing I wondered if anything was wrong with Mary—that she was in the family way. I mentioned this to my wife She said "Oh no it could not be" I have not examined her but my opinion was based on a cursory glance. Again after a few days I heard other servants teasing Mary about her boy and pulling her leg I told my wife about it and asked her to listen to the conversation. She went and said "I don't think there is anything in it." I spoke to Mary and said "Is it true you are getting married" she looked down and said "ask no questions and I'll tell no lies" This would be at the outside about a fortnight before she disappeared. The pregnancy was not visible in the front but she had a certain pinched look that led me to *surmise* [believe] that she was pregnant. I believe that both parents were present because I would not mention a matter like this to a man. I left Rogersons about 8 0 p.m. I called on Mr. Andersons and came home about 9 0 or 9 30 p.m. to relieve the servant I did not go out again this night—went to bed as usual

Thursday 26th September arose at the same time, shaved as usual, children taken to school with Mrs. Curwen because I was up rather later. In the barbers shop I met Mr. Jefferson who came in after me. I asked him to come to my house He came and I told him Mrs. Ruxton and Mary had gone away.

I had by now been receiving bills, Manserghs bill was for £41. 0. 0. Afterwards Mr Jefferson left and I went to Anderson—lunch, surgery 2.0 p.m. to 4 30 p.m. Bessie Philbrook called and I went to the County Cinema. A newspaper reporter called me out I took him into the house This would be about 9.45 p.m. The man was in my house about 1½ hours. Went to bed.

Friday 27th September got up as usual shaved called on Mr Anderson, assisted him with a case of extraction of teeth of [Made an appointment with] Mrs Fletcher, took her home to Carnforth returned to Lancaster and visits in time for lunch. Surgery in afternoon, had tea, surgery in the evening, was at home with the kiddies I don't think I went out again. I have been depressed lately Bed as usual. I never slept a single night away from home.

Saturday 28th September got up at 7 a.m. and let Mrs. Oxley in, got shaved, made a professional visit to Mrs. Cornthwaite, Chestnut Grove, returned at 9.15 a.m. brought her husband back to surgery. *Went* [returned] to Andersons as he had another case. *Brought* [took] Anderson-<sup>home</sup> about noon had] *to his chambers at 11.30 finished our case & took patient home—* lunch, 2.0 p.m. surgery, stayed at home, went to bed as usual •

Sunday 29th September got up about 7.30 a.m Mr. Houston called about 9 a.m. to shave me. I was at home with the kiddies. I went to Andersons to see if they could go for a drive. They could not I came

## Appendix XIII.

home. I was depressed and wanted to get out because it was a nice bright Sunday. I even in desperation offered to take Mrs Curwen my house-keeper, with her children and myself & *my children* but as her husband was at home only at week-ends she said she was very sorry. I then went to Mrs. Sharples, Daisy Bank, just before 2 p.m. I took Sarah Sharples and Miss Robson her friend and my three children to Windermere. I bought petrol near Carnforth. The garage is on the right when you are going North. He was an oldish man. He gave petrol and I asked him to look for water. He put water and petrol in and we set off again. I remarked to my friend "The sky is the limit, let us enjoy a run"

We went to Windermere by the Lyth Valley then Ambleside and ultimately halted at Keswick. Took tea at the Waverley Temperance Hotel. I kept on the main road to Keswick. We were *in the tea rooms* [there] quite an hour. Bought chocolates at the counter and then made our way towards Carlisle, as Miss Robson remarked that she had never been to Gretna Green. She also said that the last time she was in Carlisle was 20 years during the war

I said, "It is rather tempting for me to go to Gretna with two single women." We went via Carlisle to Gretna Green and visited the first house in Scotland & *bought three berets for 8/-*. I enquired and went to the marriage-house and entered. We were there quite half an hour. I signed my name in the visitor's book. *My Elizabeth also wrote her name.* We went a little further on the road. It would be about one mile. It was getting late. We then turned back home via Shap, Kendal to Lancaster—arrived after 9.0 p.m. I went to Mrs Curwen and asked her to put the children to bed. She came over and put them to bed. I took the ladies home, garaged my car and was in the house at about 10.15 p.m.

Monday the 30th September up as usual Mrs Oxley came about 7.0 a.m. I let her in, shaved took the children to school. I went to bring Miss Sharples and Miss Robson in time to catch 10.0 a.m. 'bus from Dalton Square to Bishop Auckland. Miss Robson was to resume her duties at a hospital there on the following day. I visited as usual and carried out the same routine. Visited Andersons in the morning. Surgery as usual the children as usual.

I have never failed a morning visiting Andersons as I used to bring him to town *occasionally*.

(Signed)

Buck Ruxton

I have been allowed to read this statement and have made the corrections in ink. The statement is true. *to the best of my recollections at this moment.* I have made it voluntarily and of my own free will without any favour or threats having been made to me *in response to the questions put to me after being summoned to the Police Stat.* I have nothing further to add *at the present moment.*

(Signed)

Buck Ruxton.

5 a.m.

This statement was taken by me on  
12th & 13th October 1935.

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(Signed) Witness H. J. VANN.

Witness W. S. STANTON, Det. Sergt.

Witness W. EWING, Det. Lieut., Glasgow Police.

# Buck Ruxton.

## APPENDIX XIV

### REX v. RUXTON.\*

#### COURT OF CRIMINAL APPEAL.

Before the LORD CHIEF JUSTICE (Lord Hewart), Mr. JUSTICE DU PARCQ,  
and Mr. JUSTICE GODDARD.

Mr. Norman Birkett, K.C., and Mr. Philip Kershaw appeared for Dr. Ruxton; Mr. J. C. Jackson, K.C., and Mr. Hartley Shawcross for the Crown.

Mr. Birkett, in opening the appeal, said that the grounds of appeal might be summarized under two heads, that the verdict was against the weight of evidence, and that there had been misdirection on the evidence by the Judge. The case was a most remarkable one from any point of view, and had been presented in the Court below with great wealth of detail. It was idle to deny that on the case presented by the Crown there was a very strong case of suspicion against the appellant. The facts, shortly summarized, were that on 14th September, 1935, Dr. and Mrs. Ruxton lived at 2 Dalton Square, Lancaster, and with them lived a servant girl named Mary Rogerson, who looked after their three children. The two women were last seen alive on the evening of Saturday, 14th September, 1935.

On 29th September portions of human bodies were found in a deep ravine at Moffat, Scotland, and subsequently other portions were found in the vicinity. The bodies had been disfigured and dismembered. The case for the Crown was that those remains were portions of the bodies of the two women, and that the appellant, after murdering them on the night of 14th September or the early morning of 15th September, had drained the bodies of blood, dismembered them, and removed evidence of identity, and then taken them by car to Moffat on the night of 15th September. The appellant's case was that the two women had left his house at about 9.30 on the morning of 15th September, and that he had neither seen nor heard of them since.

With regard to the question of the identity of the remains, there was medical evidence that they were those of two bodies approximating in age, sex, height, and colouring to the bodies of the two women. Reference was made to identification marks of a special character, which, it was alleged, had been removed by a person possessing some anatomical skill. It was further said that if photographs of the two women when alive were superimposed on the skulls found in the ravine, they fitted, and that casts of the feet found in the ravine fitted the shoes which the women wore in life. It was said further that finger-prints taken from the body alleged to be that of Mary Rogerson were identical with finger-prints on various articles in the appellant's house, that certain articles proved to have come from the house were found in the ravine with the bodies, and that an issue of a "slip" edition of the

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*Sunday Graphic* of 15th September, a copy of which had been delivered at the appellant's house, was also found there.

There was, therefore, a strong *prima facie* case that the remains found in the ravine were portions of the bodies of the two women, but, even assuming identity to have been proved beyond all doubt, it was, of course, necessary for the Crown to prove further beyond all doubt that the appellant had been guilty of murder. It was extremely important that any matters which were crucial in the appellant's favour should be adequately put before the jury.

There was evidence by the Crown that there had been great unhappiness in the married life of the appellant and Mrs. Ruxton for some years past, and that there had been accusations and threats by the appellant, and complaints to the police by Mrs. Ruxton. There was evidence also that the appellant had given expression to feelings of jealousy, and that on 6th September he made a journey to Edinburgh secretly following his wife, who was one of a party comprising a man whom he suspected. The appellant had dealt specifically with all those matters in his evidence, and had said with regard to his wife: "Our relations were such that we could neither live with each other or without each other."

The Crown's suggestion was that the appellant had strangled his wife about midnight outside her bedroom from motives of jealousy, and that Mary Rogerson had witnessed the act of murder, and was, therefore, herself murdered. It was suggested that the appellant had spent the whole of the early hours of Sunday morning in dismembering the bodies, in draining them of blood in the bathroom, and in removing evidence of the crime. It was said that the appellant's subsequent actions, when next he came into contact with the outside world, must be closely regarded, and that they were more indicative of guilt than of innocence. The Crown laid particular stress on the evidence of a Mrs. Hampshire, who came to the house about 4 p.m. on the Sunday afternoon and said that all the carpets from the landings and stairs had been taken up and were stained with blood, that bedroom doors were locked, that the bath was discoloured by a yellowish tint, and that there were a number of half-burned articles in the yard.

With regard to the following day, the Crown stressed the fact that at 7 a.m. the appellant's house was found to be locked, and that about 9.10 a.m. he had driven up to Mrs. Hampshire's house looking very dishevelled. Mrs. Hampshire's evidence with regard to that visit was that the appellant inquired about a blue suit which, she said, he had given her on the previous day, though the appellant said that he did not give her the suit till Monday. Mrs. Hampshire stated that she had cut out a tab with the maker's name because the appellant's hand was badly injured, and that he had requested her to burn the tab.

Mr. Birkett said that, with regard to the direction in law, the summing up was unassailable. It was, further, right that he should say that throughout the trial the greatest consideration had been extended by the Judge to the defence. The misdirections of which he complained related solely to the manner in which the Judge had dealt with the evidence.

Counsel then referred to a number of matters in the evidence and

# Buck Ruxton.

criticized the manner in which they had been dealt with in the summing-up. In particular, he said that the Judge had attached the greatest importance to the blue suit given by the appellant to Mrs Hampshire, and he (counsel) urged that, having regard to the fact that the age of blood-stains could not be determined by scientific evidence, the jury should have been reminded that witness for the prosecution had referred to the possibility of the blood on the suit having come from innocent sources

Further, it had been proved that the Sunday night on which the appellant was alleged to have taken the bodies to Moffat in his car was wet, and the Judge should, counsel contended, have stressed more fully the fact that the car was found to be clean the following morning. The jury should have been told how that piece of evidence affected the whole case, and that the whole structure of the case for the Crown would fall if they were satisfied that the appellant did not travel to Moffat in his car on the Sunday night. Moreover, it was important that no spot of blood had been found on the car.

He submitted that each of the matters referred to was in itself a matter of considerable moment, and that the cumulative effect of them all taken together was that there had been such substantial misdirection that the verdict ought not to stand

Mr. Jackson was not called on to argue.

## JUDGMENT.

The LORD CHIEF JUSTICE, in giving the judgment of the Court, reviewed the facts and said that, though the appellant had given evidence on his own behalf and had denied any responsibility for the death of either his wife or of Mary Rogerson, he had then offered no explanation at all for their disappearance or continued absence.

The argument which had been presented on behalf of the appellant sought to establish two propositions—first, that the verdict was against the weight of the evidence; and, secondly, that there had been misdirection of such a kind as to invalidate the verdict. On the first point, when dealing with the crucial question of the identification of the mutilated fragments found with the bodies of Mrs. Ruxton and Mary Rogerson, Mr. Birkett had said that there was admittedly a very strong case. It was, indeed, a case so strong as to be in the opinion of the Court, convincing, and on the question also whether the appellant was the person who committed the murder the Court was of opinion that the evidence was convincing.

With regard to the summing-up, Mr. Birkett had dealt with a series of topics, first inviting the attention of the Court to the evidence on each of them and then referring to the relevant passages in the summing-up. That was a familiar and quite a proper manner of dealing with a summing-up, but the effect of it here would be to produce an entirely wrong perspective by a minute examination of microscopic points. The Court had carefully considered every point to which Mr. Birkett had directed their attention and they were of opinion that, whether the points were regarded singly or in

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their cumulative effect, they were of no importance at all. There was nothing in the summing-up which could be said even faintly to resemble a misdirection. On the contrary, when one read the summing-up, one was impressed by the care, thoroughness, patience, and discernment which it exhibited.

The Judge, in passing the sentence, said that the appellant had been convicted on evidence which could leave no doubt in the mind of anyone. That statement was, in the opinion of the Court, perfectly correct, and there was really nothing in the appeal except that it arose out of a prosecution for murder.

The appeal must be dismissed